



PARLIAMENT OF VICTORIA
DRUGS AND CRIME PREVENTION COMMITTEE

**INQUIRY INTO STRATEGIES TO REDUCE
ASSAULTS IN PUBLIC PLACES IN VICTORIA**

Final Report

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Inquiry into Strategies to Reduce Assaults in Public Places in Victoria – Final Report

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Functions of the Drugs and Crime Prevention Committee

The Victorian Drugs and Crime Prevention Committee is constituted under the *Parliamentary Committees Act 2003* (Vic) as amended.

Section 7

The functions of the Drugs and Crime Prevention Committee are, if so required or permitted under this Act, to inquire into, consider and report to the Parliament on any proposal, matter or thing concerned with:

- (a) the use of drugs including the manufacture, supply or distribution of drugs;
- (b) the level or causes of crime or violent behaviour.

Terms of Reference

Received from the Legislative Council on 29 July 2009 under section 33 of the *Parliamentary Committees Act 2003*.

To the Drugs and Crime Prevention Committee – for inquiry, consideration and report on Strategies to reduce crime against the person in Victoria and, in particular:

- (a) the level, nature and incidence of crimes against the person in Victoria and the trends in recent years;
 - (b) the impact of these crimes on vulnerable groups, migrants, overseas students and the elderly;
 - (c) strategies to address these crimes and reduce their incidence and increase the apprehension and conviction of offenders;
 - (d) the role of community policing and local community organisations; and
 - (e) the level of police resources in Victoria and their distribution throughout the State;
- and to report by 30 August 2010.

Acknowledgements

The Committee wishes to acknowledge the valuable contribution of Mignon Turpin for her editing work, Matt Clare at Mono Design for the cover design and Karen Taylor for laying out the report.

Chair's Foreword

Assaults in public places have become an increasing problem in the last few years.

This reference, from the Legislative Council, attempts to address some of the issues surrounding this change and to examine measures taken to address the problem.

To a certain extent, I believe this reference was done too early, as many of the changes have only been in operation for a short time, and have yet to be assessed and evaluated.

It would probably be more useful to revisit this referral in two years' time, when a much clearer picture of the success or otherwise of various initiatives could be better demonstrated.

However, the Report does provide a comprehensive survey of the current situation – particularly between the level of crime and the reporting of crime – and does provide some evidence of community and government activities in this area.

I thank my Committee members, the Executive Officer Sandy Cook and all the staff of the Drugs and Crime Prevention Committee for all their hard work and their cooperation. Thanks also to Jason Payne and the staff at the Australian Institute of Criminology for the statistical and media analysis presented in the Report.

Judy Maddigan

Judy Maddigan

Chair

Recommendations

The Drugs and Crime Prevention Committee makes the following recommendations:

The Legal Framework, Practice and Sentencing

- 1. The Committee recommends that an offence of assaulting, obstructing, hindering or delaying a hospital, or health worker or a licensed security guard or emergency worker in the execution or performance of their duties, be enacted in Victoria.**

(Chapter 9)

It would certainly be possible under the current legal provisions to prosecute a person for assaulting a hospital or health worker under the general laws applicable to all members of the public. The Committee feels, however, that enacting specific laws applicable to assaulting medical and allied health workers and emergency workers including Metropolitan Fire Brigade, Country Fire Authority (CFA) and State Emergency Service (SES) workers and volunteers reinforces the message that violence towards such workers acting in accordance with their professional duties is totally unacceptable. As with police and ambulance officers, this is a particularly grave form of assault.

- 2. The Committee recommends that the Sentencing Advisory Council of Victoria work with Magistrates and Judges to examine the types of factors that should be taken into account in the sentencing of assault crimes in the same way they have developed sentencing guides on breaches of domestic violence orders.**

(Chapter 9)

An issue that has regularly been raised during the course of this Inquiry has been a concern in the perceived numbers of assaults that have involved kickings, beatings, 'king hits' and the like, particularly where they have resulted in serious brain trauma, head injuries or related consequences. Some suggestions have been made to this Inquiry that a new offence should be created to provide for assaults that result in blunt trauma or injury, most notably assaults caused by the use of fists or kicking, particularly where heavy boots are used. Some of these views seem to be predicated on the view that the penalty for causing injuries through the use of knives such as stabbings are more severe than for the use of parts of the body such as fists or legs. Although this is not the case, the Committee believes there may be some value in assisting judges and magistrates with advice on the use of their sentencing discretion in circumstances where assaults do result in severe forms of blunt injury. To this end, the Sentencing Advisory Council of Victoria could work with sentencers to examine the types of factors that should be taking into account in the sentencing involving cases of assaults resulting in blunt injury. This recommendation does not in any way intend to remove any form of discretion from the Victorian magistracy or judiciary in their exercise of the sentencing process.

Policing and law enforcement

- 3. The Committee recommends that Victoria Police liaise with the Australian Security Industry Association Limited (ASIAL) to examine ways in which the police and the private security industry can collaborate more closely and work more effectively in addressing public order and security issues.**

(Chapter 10)

The Committee acknowledges that Victoria Police is working collaboratively with the private security industry to secure positive outcomes in addressing the potential for violence and disorder in the night-time economy. Nonetheless, security staff can play a greater role in working with police to reduce alcohol-related violence and other harms in licensed venues, particularly larger clubs and bars, and also at public events such as sporting fixtures, street festivals and music performances. More formal and streamlined procedures between Victoria Police and ASIAL and its members may assist in promoting better collaboration amongst the private and public security forces in this State. The current working arrangements between Victoria Police and ASIAL in Geelong may serve as a good model.

- 4. The Committee recommends that the Victorian Government undertake research into community policing programs in Victoria to identify best practice models that could be used across the State. These programs should be culturally sensitive.**

(Chapter 10)

Community policing programs have been viewed as a progressive response for police to interact with diverse communities. There are currently some community policing programs in Victoria that appear to be beneficial in reducing crime and antisocial activity, particularly by young people in local communities. Both community agencies and Victoria Police officers have been enthusiastic about the aims and efforts of community policing programs and the way that partnership policing can work to reduce potential violence, offending and disorder. Unfortunately however, few such programs have been rigorously evaluated so their benefit in reducing assault and violent crime is largely speculative. Research, particularly evaluative research, into what types of community policing and engagement programs do in fact work to reduce crime and antisocial behaviour is therefore required. Research should also be undertaken as to best practice models that provide for positive engagement between police and CALD communities.

- 5. The Committee recommends that the Victorian Government review the current training Victoria Police officers receive in relation to working with vulnerable young people from diverse cultural and social backgrounds (including refugees, young people with a disability or mental illness, homeless and Indigenous young people), with a view to enhancing and/or extending that training, if necessary.**

(Chapter 10)

Criticism has been expressed by a variety of community agencies that whilst the use of community policing methods and the recruitment of specialist police such as youth and ethnic liaison officers are positive initiatives, this form of engagement with the community needs to be embraced more broadly throughout the police force. In particular it is thought that police, particularly those outside these specialist community

policing roles, need far better training, especially cross-cultural training, in dealing with young people and people from CALD, refugee and Indigenous communities.

Regulating the availability of alcohol

Planning and amenity

- 6. The Committee recommends that the Victorian Government amend Clause 52.27 of the Victorian Planning Provisions to require packaged outlets to obtain a planning permit from the relevant local government authority.**

(Chapter 11)

- 7. The Committee recommends that the Victorian Government amends Clause 52.27 of the Victorian Planning Provisions to include: ‘To ensure that the impact of the licensed premises on the health, safety and wellbeing of the community is considered’ as one of the purposes of the provision.**

(Chapter 11)

- 8. The Committee recommends that the Victorian Government amend the *Liquor Control Reform Act 1998*, to:**

- **include protecting and improving public health and safety as a primary objective of the Act; and**
- **widen the grounds for objections to the granting of a liquor licence, to include social harms and harm to public health and safety.**

(Chapter 11)

The Committee received compelling evidence linking the availability of alcohol to the occurrence of assaults in public places. Evidence relating to the link between the density of licensed premises, particularly packaged outlets, and assaults, is of particular concern. However, gaps in the current planning and licensing regime make it difficult to address these issues.

The current process for establishing an on-premise licensed outlet involves two steps. First, a planning permit must be obtained from the relevant local government. Once this is obtained, an application is made to the Director of Liquor Licensing for a Liquor Licence.

The recent addition of Clause 52.27 to the Victorian Planning Provisions requires local Councils to consider the impact, including cumulative impact, on the amenity of the surrounding area of any proposed new on-premise licensed outlet, or amendment to an existing premise, before granting a planning permit. However, clause 52.27 is not sufficient to address the relationship between alcohol outlet density and assaults. This is because:

- (a) it does not apply to packaged liquor outlets (they are exempt from the requirement to obtain a planning permit);*
- (b) cumulative impact is only considered in relation to the amenity of the surrounding area;*
- (c) health and social harms related to outlet density cannot be taken into account in the planning process; and*

(d) objections cannot be made to the granting of a liquor license on the grounds of health or social harms.

Changes to the Victorian Planning Provisions would go some way towards addressing the growth in outlet density and associated harms. Firstly, the exemption for packaged outlets from the requirement to obtain planning permission needs to be removed. Secondly, Councils need to be enabled to assess cumulative impact against health and social impacts as well as amenity impacts, and thirdly, the grounds for objection to the granting of a liquor licence need to be amended to include health and social harms.

Outlet density

- 9. The Committee recommends that the Victorian Government undertake a review of the impact of the growth and nature of packaged liquor outlets on local communities with a view to regulating the density of outlets.**

(Chapter 11)

- 10. The Committee recommends that the Victorian Government, through the Council of Australian Governments (COAG), supports the development of national guidelines on alcohol outlet density to address cross border issues.**

(Chapter 11)

Investigation of the growth of packaged outlets in Victoria, and the impact this is having on local communities, is also needed to establish whether additional regulation of outlet density is needed, and how this could be achieved. The problems Victoria is currently facing in relation to alcohol-related violence are also being experienced in other jurisdictions across Australia. The Committee therefore also supports the development of national guidelines on alcohol outlet density as they pertain to cross border issues.

Secondary Supply

- 11. The Committee recommends that the Victorian Government enact secondary supply legislation to make it illegal for anyone other than a parent, guardian or spouse to provide alcohol to a minor in a private setting.**

(Chapter 11)

- 12. The Committee recommends that, in conjunction with the enactment of secondary supply legislation, the Victorian Government develop a comprehensive communication and education campaign targeting parents and teenagers, to inform them of the change in law.**

(Chapter 11)

The supply of alcohol to minors in licensed premises is currently illegal in most circumstances, however in private settings it is not. This means that anyone can legally supply alcohol, in any quantity, to a minor in private premises. Given that parents, older siblings, and parents of friends often supply alcohol to underage drinkers, the Australian Drug Foundation and the Alcohol Policy Coalition have campaigned for the adoption of secondary supply legislation in Victoria to address this situation.

Secondary supply laws aim to limit the supply of alcohol to underage drinkers by making it illegal for anyone other than a parent, guardian or spouse to provide alcohol to a minor in a private setting. Currently NSW and Queensland have secondary supply

legislation and the Tasmanian Government is in the process of introducing it. The more recently enacted Queensland legislation goes further than the NSW legislation by introducing a second offence of 'irresponsible supply,' which occurs when an adult who otherwise legally supplies a minor with alcohol, does so in a manner that is not responsible. For example, if they supply an excessive quantity of alcohol, or do not supervise the minor's consumption of alcohol to ensure that it is consumed safely.

Regulating and modifying drinking environments

Extending and strengthening Responsible Serving of Alcohol requirements

- 13. The Committee recommends that Responsible Service of Alcohol (RSA) training be developed as a two-stage program, including a basic level course and a more advanced course.**

(Chapter 12)

- 14. The Committee recommends that stage two RSA certification be made compulsory for all staff (including outdoor staff) employed in venues/outlets operating under the following licence categories:**

- **Late night (general);**
- **Late night (on-premises);**
- **General and On-Premises (if authorised to trade past 11pm);**
- **Packaged liquor; and**
- **Late night (package liquor).**

(Chapter 12)

- 15. The Committee recommends that all staff employed in venues covered by recommendation 15 be required to complete RSA refresher training every 12 months.**

(Chapter 12)

- 16. The Committee recommends that the component of RSA training that covers skills in conflict resolution and the management of difficult patrons be increased in both the basic and advanced course.**

(Chapter 12)

- 17. The Committee recommends that venues operating under the following licence categories be required to have an RSA monitor who is not directly involved in sales, but is available to assist bar staff and maintains an overview of the bar:**

- **Late night (general);**
- **Late night (on-premises);**
- **General and On-Premises (if authorised to trade past 11pm).**

(Chapter 12)

The serving of alcohol to intoxicated persons is prohibited by the Liquor Control Reform Act 1998, and licensees are not permitted to allow drunken or disorderly persons to enter or remain on their premises.

Since 2002, the Director of Liquor Licensing has had the power to approve Responsible Serving of Alcohol (RSA) training programs. The current Code of Conduct for Packaged Liquor Licensees (December 2009) requires licensees and managers of packaged outlets to complete initial RSA training within three months of being granted a licence, and to complete an online refresher course annually. All other staff employed to serve alcohol must complete RSA training within three months of commencing work in a packaged outlet and to do the refresher course every 12 months.

The Director of Liquor Licensing also has the power to stipulate, as a specific condition of any other licences, that staff be RSA trained. The Director has made RSA training a requirement for all staff at late-night and high-risk venues.

The Committee received a considerable amount of evidence concerning the current RSA requirements and ways in which these could be extended and improved to enhance the role of RSA in reducing antisocial and aggressive behaviour in general, and public place assaults in particular. The following recommendations extend and strengthen RSA requirements.

Strengthening the role of Liquor Accords

- 18. The Committee recommends that the Victorian Government legislate to make adherence to the measures established through liquor accords mandatory for late night venues within the local government area covered by the accord.**

(Chapter 12)

Liquor accords are agreements between licensees, police, local government and community representatives, designed to reduce harms related to alcohol consumption in the late-night environment. Accords have been the basis for a number of improvements in the management of patron behaviour and risks in the licensed environment in some areas. Accords have also resulted in measures that have improved the amenity in and around licensed premises. However, the effectiveness of liquor accords as a strategy for reducing alcohol-related assaults is hampered by their voluntary nature, which means licensees who do not join the accord are free to ignore measures introduced by the accord.

Modifying the physical environment of venues

- 19. The Committee recommends that the Victorian Government amend the Victorian Planning Provisions to include a clause that requires all new on-premise venues to adhere to the Design Guidelines for Licensed Premises.**

(Chapter 12)

- 20. The Committee recommends that the Victorian Government amend the Victorian Planning Provisions to include a clause that requires, in the case where there is an application to vary or transfer an existing liquor licence, that the venue must be upgraded to meet the Design Guidelines for Licensed Premises.**

(Chapter 12)

21. **The Committee recommends that the Victorian Government encourage existing on-premise venues to upgrade their premises to meet the Design Guidelines for Licensed Premises. A list of compliant venues should be placed on the Department of Justice (Responsible Alcohol Victoria) website.**

(Chapter 12)

22. **The Committee recommends that the Victorian Government investigate the option of regulating:**

- **the mandatory use of polycarbonate or other shatter-proof glasses in venues that are subject to risk/late night trading fees under the *Liquor Control Reform Act 1998* (other than a premise with a restaurant or café license under Section 9)**
- **the requirement that all on-premise venues have food available for purchase.**

(Chapter 12)

There are many aspects of the physical environment that can generate or exacerbate conflict between patrons. Therefore, strategies that modify the environment have a role to play in reducing assaults. These include modifying the arrangement of bars, seating, toilets, entry points etcetera to lessen irritants such as crowding and queuing, which can lead to conflict and aggression. Other strategies include use of polycarbonate or shatter-proof glasses and ensuring food is available to patrons (as food can slow the rate of absorption of alcohol and therefore levels of intoxication).

Design Guidelines for Licensed Premises, developed by the Department of Justice in conjunction with Victorian architects, give guidance on internal and external layout and design features to reduce the potential for violence and antisocial behaviour in and around licensed premises. The Committee believes these guidelines should be mandatory for all new venues, and for existing venues when a licence is varied or transferred. This should be achieved through an amendment to the Victorian Planning Provisions with regard to licensed premises. Existing venues should also be encouraged to upgrade their premises to meet the guidelines through, for instance, publishing a list of compliant venues on the Responsible Alcohol Victoria website.

Modifying the broader environment of entertainment precincts and activity centres

23. **The Committee recommends that the Victorian Government liaise with transport operators to investigate the feasibility of extending the hours of operation for public transport to 4.00 am on Saturday and Sunday mornings.**

(Chapter 13)

24. **The Committee recommends that the Victorian Government continue to support the improvement of safety, quality and amenity of taxi ranks in high usage areas through the Taxi Rank Safety Program, which provides infrastructure grants to local councils throughout Victoria.**

(Chapter 13)

When large numbers of intoxicated people leave night licensed premises in the early hours of Saturday and Sunday mornings, the lack of public transport and long queues

for taxis can fray tempers and lead to assaults. Extending public transport options to get people home quickly and safely is one way of reducing these problems. Developing safe taxi ranks, with security and physical enhancements to improve safety, is another.

- 25. The Committee recommends that the Victorian Government investigate the establishment of ‘safe places’ and community services within entertainment precincts to provide support for vulnerable people.**

(Chapter 13)

The provision of welfare services to vulnerable young people through a ‘safe haven’ is an option that the Committee sees as worth investigating to improve safety in the broader environment in late night entertainment precincts.

Campaigning for change: Provision of information and education

- 26. The Committee recommends that the Victorian Government investigate the option of regulating alcohol advertising on a similar basis as currently applies to tobacco.**

(Chapter 14)

- 27. The Committee recommends that the Victorian Government provide continued support for community based education campaigns that take a harm reduction approach to alcohol use among young people.**

(Chapter 14)

International research suggests that alcohol marketing strategies, including advertising and point-of-sale promotions, influence drinking behaviours among young people. Exposure to alcohol advertising increases the likelihood of young people starting to use alcohol, and if they are already using alcohol, influences them to drink more. Evidence provided to the Committee suggests that the current system of self-regulation in relation to alcohol advertising in Australia is not working to reduce the appeal of alcohol to young people. Tighter regulation of alcohol marketing, as currently applies to tobacco products, should also be investigated as a means of reducing risky levels of alcohol consumption, particularly among young people.

In addition to tighter regulation of alcohol advertising by industry, the Committee supports community based education campaigns to address harmful consumption of alcohol among young people. Evidence shows that the most successful are those that take a harm reduction approach.

Community initiatives and responses

- 28. The Committee recommends that the Victorian Government provide further support to local government authorities to implement safety initiatives that have been shown to be effective.**

(Chapter 15)

Many local communities have a community safety committee or working group that endeavours to improve safety or perceptions of safety in their local area. Plans often involve the implementation or extension of safety initiatives that may be costly to commence or maintain. Victorian Government support to local community safety

structures that have been proven to be effective would assist communities in reducing violence.

- 29. The Committee recommends that the Victorian government and local governments facilitate and expand appropriate community forums and workshops that bring together refugee and newly arrived young people, police, multicultural communities and service providers.**

(Chapter 15)

Local government is well placed through safety committees to address tensions that may arise for refugee or newly arrived young people. A variety of community forums and workshops have taken place across Victoria to reduce these tensions. The Committee believes there is value in expanding these programs.

Research and data provision

- 30. The Committee recommends that the Victorian Government commission research projects into the experience and impact of assaults on victims.**

While there has been considerable literature written regarding the impact of sexual assault and family violence, little research has been undertaken on the impact of assaults in public places. Although the emotional and psychological impacts for assault victims may be similar to those experienced by other victims of serious crime, the lack of recent research results in a lack of understanding regarding the difficulties faced by victims of public place assault.

(Chapter 4)

- 31. The Committee recommends that the Victorian Government commission research projects into the nature and extent of assaults against homeless people, people from CALD backgrounds, international students and workers, Indigenous people and same-sex attracted people.**

(Chapter 5)

There has been very little quantitative research undertaken regarding the risk of assault for people in minority groups. While anecdotal evidence and qualitative research suggests that these groups of people are at increased risk of assault, comprehensive quantitative research would improve understanding of context and the extent of the risk, and allow for more effective policy development.

- 32. The Committee recommends that the Victorian Government commission research into the prevalence of alcohol being consumed in combination with stimulant drugs such as amphetamines or high caffeine drinks, and the potential for such combinations to contribute to violent behaviour.**

(Chapter 6)

The Committee received a considerable amount of anecdotal evidence concerning the practice of alcohol being consumed in combination with stimulant drugs such as amphetamines, caffeine pills or high caffeine drinks, and contributing to higher levels of aggression and violence. However, there has been little research into the practice or its

consequences in terms of precipitating violence. Research into the issue would provide sound evidence on which to base policy and strategies.

- 33. The Committee recommends that the Victorian Government collect alcohol sales data.**

(Chapter 6)

Whilst a growing body of international and Australian research finds an association between alcohol outlet density and the incidence of assaults, in Victoria this type of research is limited by the lack of alcohol sales data. The Committee see the collection of sales data, including alcohol volume and value of sales, as essential for developing evidence based policies and programs to combat alcohol-related harm, including violence.

- 34. The Committee recommends that the Victorian Government establish procedures to collect data:**

- **To provide local government authorities with accurate, timely and comprehensive assault data so that they are in a better position to plan and respond to assaults occurring in individual areas throughout their municipalities; and**
- **To evaluate the impact of new initiatives and to inform future policy directions.**

(Chapter 15)

Local communities across Victoria are concerned about assaults occurring in their area. Many local governments have set up safety committees and other structures to address issues of violence and put in place strategies to reduce the prevalence of assaults. It is essential that local communities have access to comprehensive and accurate data on which to base decisions related to such strategies, both before they are implemented, and afterwards, so that new initiatives can be properly evaluated to measure their effectiveness and inform future decisions.

- 35. The Committee recommends that Victoria Police develop a standard alcohol identifier ('flag') that is both consistent in measurement and application across the state, and mandatory for all offences recorded in Victoria.**

It is likely that the involvement of alcohol in incidents of violence across Victoria is under-reported by victims and/or under-recorded by Victoria Police, especially since the 'alcohol flag' is a non-mandatory data collection item. Future analysis of assault and related offences would clearly benefit from a more refined set of alcohol involvement indicators that were consistently and compulsorily collected for all offences.

(Chapter 2)

Recommendations for the Commonwealth

- 36. The Committee recommends that the Victorian Government, through COAG, supports and encourages the further investigation and modelling of a tiered volumetric system of taxation for alcoholic beverages to discourage harmful consumption and promote safer consumption.**

(Chapter 11)

Reducing availability through the mechanism of price is an important strategy for reducing excessive alcohol consumption and associated violence. The simplest, and most effective strategy for influencing the price of alcohol is taxation.

In Australia, taxation is a federal responsibility, and in recent years the Commonwealth Government has legislated to increase the tax on pre-mixed alcoholic drinks as a measure to reduce binge drinking among young people. This tax has had some effect on the consumption of these beverages, however there is evidence of a considerable degree of substitution with full-strength spirits, beer and wine, such that the per capita consumption of pure alcohol since introduction of the tax has only decreased by 2.3 per cent.

Further action in relation to the taxation of alcohol has been recommended by the National Preventative Health Taskforce (NPHT) and the Henry Review of taxation. The NPHT recommended that independent modelling be commissioned to investigate a 'tiered' volumetric system of taxation that:

... would be inclusive of stepped increases in tax rates that provide economic incentives for the production and consumption of lower strength alcohol products, and disincentives for the production and consumption of the highest-risk alcohol products (National Preventative Health Taskforce 2009, p.255).

- 37. The Committee recommends that the Victorian Government, through COAG, supports development of the public interest case for a minimum (floor) price per standard drink, to apply to all alcoholic beverages to discourage harmful consumption and promote safer consumption.**

(Chapter 11)

In addition to taxation, another price-related strategy for reducing alcohol-related harm – including assaults – is to set a minimum (floor) price for alcohol. This would create a minimum price per standard drink (12.5ml of pure alcohol) regardless of the type of beverage (beer, wine, spirits) it was contained in. This would have the effect of removing the price differential between low quality, high alcohol content drinks and drinks with lower alcohol content. It would also lessen the price differential between packaged liquor and drinks sold at hotels or nightclubs, hence reducing the price-based motivation for young people to pre-load on lower priced alcohol before going out, a practice that has been linked to alcohol-related violence.

The NPHT recommended the setting of a minimum (floor) price for alcohol to discourage harmful consumption. In its recent response to the NPHT report, the Federal Government has committed to further investigate the concept. The Committee is supportive of this move.

Contents

Drugs and Crime Prevention Committee – 56th Parliament	i
Functions of the Drugs and Crime Prevention Committee	ii
Terms of Reference	ii
Acknowledgements	ii
Chair’s Foreword	iii
Recommendations	v
Part A – The Nature, Extent and Impact of Assaults in Public Places	1
1. Introduction	1
Other inquiries – present and past	2
The current Inquiry	3
The Inquiry process	5
2. Assaults in Public Places in Victoria	9
Trends in recorded crime	9
Detailed analysis – Region 1	13
A spotlight on the Melbourne CBD	23
Historical comparison – Region 1	28
Summary of findings	32
3. Media Reporting of Assault in Public Places in the Melbourne CBD	37
Data collection	37
Crime in the news	38
4. The Impact of Assault on Victims	49
Physical harm	49
Psychological and emotional impact	56
Impact on financial security and quality of life	56
Impact on family and friends	57
Impact on community	57
5. The Impact of Assaults on Vulnerable Groups	65
Groups in the general community more likely to be assaulted	65
Groups perceived to be at risk	69
Groups at risk of assaults in the workplace	70
Culturally and linguistically diverse (CALD) communities	74
International students	75
6. Contributing Factors	79
The contribution of alcohol and other drugs	79
The night-time economy	92
Social and cultural factors	97
Part B – Strategies to Reduce Assaults in Public Places	101
7. What Works? – Applying Best Practice and Evidence-based Interventions	101
Interventions to address alcohol-related violence in their policy and political context	102
Best evidence and what works?	102

The need for frameworks	112
Factors militating against effective policy delivery	114
8. The Policy and Regulatory Context	121
The international context	121
The national context	122
The Victorian context	124
9. Violence, Assault and Public Disorder: Law and Legal Issues	135
Current Victorian Law that can be applied against incidents of violent or threatening conduct	135
The most serious offences – The Crimes Act	136
Less serious offences – Common and Statutory Assaults	141
Street and disorder offences	147
Move on powers and other new legislative provisions to address perceived rising disorder	153
Provisions to deal with alcohol-related violence under the <i>Liquor Control Reform Act</i> 1998	158
10. Policing and Law Enforcement	163
The cost of policing violent crime	163
A shift in focus?	163
Theories and practices of policing	164
The importance of partnerships	181
Current operational strategies to address assaults, violence and disorder	186
Good order provisions	188
Police resources	188
11. Regulating the Availability of Alcohol	195
Alcohol availability and the occurrence of assaults	195
Reducing availability	196
12. Regulating and Modifying Drinking Environments	217
Managing patron behaviour	217
Modifying patron behaviour through surveillance	229
Modifying the drinking environment through liquor accords and forums	232
Reducing risks in the physical environment	240
13. Modifying the Broader Environment	247
Violent crime and the nightlife environment	247
Improving transport options and safety	250
Surveillance and lighting	253
Normalisation and improved amenity	259
14. Campaigning for Change: Provision of Information and Education	263
General considerations	263
Social marketing and communication campaigns	264
School and community based education	269
Addressing violence: The need to train police and law enforcement officials	274
Restricting the marketing of alcohol	274
15. Community-based Responses to Assaults	279
International approaches to community involvement	279

Current local government initiatives in Victoria	284
Benefits of community based programs in Victoria	292
Limitations and challenges to community initiatives	294
16. Conclusion	299
The impact of assaults	299
The cost of assaults	300
Vulnerability to assault?	301
Key positions of the Drugs and Crime Prevention Committee	302
Appendices	305
Appendix 1 Victoria Police: Offences recorded and offence codes for the category of assault 2008/09	305
Appendix 2 List of submissions received	307
Appendix 3 Witnesses appearing at public hearings and via teleconferences	311
Appendix 4 Witnesses appearing in public hearings and forums in Springvale, Frankston, Ballarat and Geelong	315
Appendix 5 Meetings in Sydney	319
Appendix 6 Forums and conferences attended by Committee and staff	319
Appendix 7 Presentations of assault victims in the workplace to Victorian emergency departments	321
Appendix 8 Ratings of policy-relevant strategies and interventions to address alcohol-related harm, including violence	323
Bibliography	327

List of Tables

Table 2.1	Assault offences in Victoria 1998/99–2008/09	10
Table 2.2	Assault offences in public places in Victoria 1998/99–2008/09 (n)	12
Table 2.3	Summary of assaults in public places by time and day of week, Region 1, 2008/09 (%)	17
Table 2.4	Victim and offender distribution of assaults in public places, Region 1, 2008/09	18
Table 2.5	Demographic profile of victims of assault in public places, Region 1, 2008/09	21
Table 2.6	Demographic profile of offenders of assault in public places, Region 1, 2008/09	22
Table 2.7	Gender profile of incidents of assault in public places in Victoria, Region 1, 2008/09	22
Table 2.8	Profile of assault in public places, Region 1, 1998/99 and 2008/09 (%)	31
Table 2.9	Demographic profile of victims of assault in public places, Region 1, 1998/99 and 2008/09	32
Table 2.10	Demographic profile of offenders of assault in public places, Region 1, 1998/99 and 2008/09	32
Table 3.1	Reporting by day of week from articles collected in the Herald Sun and The Age from January–July 2009	38
Table 3.2	Reporting of articles by the page that article first appeared, from the Herald Sun and The Age from January–July 2009 (%)	39
Table 3.3	News item themes by source, January–July 2009 (%)	42
Table 3.4	Comparison of police data and media items for assaults in public places in the CBD (%)	43
Table 3.5	News item type by theme, January–July 2009	44
Table 3.6	Source of information in news items, January–July 2009	45
Table 3.7	News items using statistical sources by source, January–July 2009	45
Table 3.8	News items with policy suggestions by theme, January–July 2009	46
Table 4.1	Ambulance attendances to assault incidences in public places in metropolitan Melbourne involving alcohol (number by age)	51
Table 4.2	Victim profile (July 2005–June 2008, Victorian hospitals)	52
Table 4.3	Profile of injuries sustained (July 2005–2009, Victorian hospitals)	53
Table 4.4	Financial cost of assault in Australia in 2005	63
Table 6.1	Incidence rate ratio for on- and off-site numbers of outlet and average alcohol sales	89
Table 6.2	Risk factors and licensed premises	96
Table 7.1	Proposed objectives for different policy jurisdictions and operational settings within a Protection and Risk Reduction Approach to Prevention	108
Table 8.1	Most common breaches identified by licence type	130
Table 8.2	Compliance Directorate enforcement activity	131
Table 10.1	Victoria Police staffing by PSA as at 11 August 2010	189
Table 11.1	Taxation and pricing	198
Table 11.2	Restrictions on hours and days of sale for licensed premises	205
Table 11.3	Restrictions on outlet density of licensed premises	207
Table 12.1	Responsible beverage service practices	218
Table 12.2	Training Competencies for Certificate II – Crowd Control	228
Table 12.3	Restrictions implemented via liquor accords and community based programs	238
Table 12.4	Physical aspects of the drinking environment and their influence on aggression	241

List of Figures

Figure 2.1	Percentage of assaults in public places, 1998/99–2007/08 (%)	11
Figure 2.2	Location of public assaults, biannual 1998/99 to 2008/09 (%)	13
Figure 2.3 (a)	Victoria Police statistical regions	14
Figure 2.3 (b)	Victoria Police Region 1	14
Figure 2.4	Daily number of assaults in public places Region 1, 2008/09 (n)	15
Figure 2.5	Weekly number of assaults in public places, Region 1, 2008/09 (n)	16
Figure 2.6	Assaults in public places by time and day of the week, Region 1, 2008/09 (%)	17
Figure 2.7	Victim and offender distribution of assaults in public places, Region 1, 2008/09 (%)	18
Figure 2.8	Weapon involvement in assaults in public places, Region 1, 2008/09 (%)	19
Figure 2.9	Alcohol involvement in assault in public places, Region 1, 2008/09 (%)	20
Figure 2.10	Alcohol involvement in assault in public places by time and day of the week, Region 1, 2008/09 (n)	20
Figure 2.11	Monthly assaults in public places, Melbourne CBD, 2008/09 (%)	23
Figure 2.12	Assault in public places by time and day of the week, Melbourne CBD, 2008/09 (%)	24
Figure 2.13	Location of assaults in public places, Melbourne CBD, 2008/09 (%)	25
Figure 2.14	Victim and offender profile of assault in public places, Melbourne CBD, 2008/09 (%)	25
Figure 2.15	Age profile of victims of assaults in public places, Melbourne CBD, 2008/09 (%)	26
Figure 2.16	Age profile of offenders of assault in public places, Melbourne CBD, 2008/09 (%)	26
Figure 2.17	Weapon involvement in assault in public places, Melbourne CBD, 2008/09 (%)	27
Figure 2.18	Alcohol involvement in assault in public places, Melbourne CBD, 2008/09 (%)	28
Figure 2.19	Monthly assaults in public places, Region 1, 1998/99 and 2008/09 (%)	29
Figure 2.20	Assaults in public places by time and day of week, Region 1, 1998/99 and 2008/09 (%)	29
Figure 3.1	Print news items and assaults in public places by date, January–June 2009 (n)	40
Figure 3.2	Weekly print news items and assaults in public places, January–June 2009 (% of total across the period)	41
Figure 4.1	Ambulance attendances to assault incidences in public places in metropolitan Melbourne involving alcohol (n)	50
Figure 4.2	Rates of admissions at Victorian hospitals for injuries sustained from assaults	52
Figure 4.3	Change in blunt and penetrating injuries from 2001–2009 in Victoria	54
Figure 4.4	Incidence of serious head injury from assault	55
Figure 5.1	Assault injuries for Victorian taxi drivers	71
Figure 5.2	Weapons used during assaults on Victorian taxi drivers	71
Figure 5.3	Perceptions of safety by international and local students in Melbourne in 2009 (%)	76
Figure 7.1	An example of a simple enforcement pyramid for drinking establishments	111
Figure 7.2	Support to reduce problems associated with alcohol measures: Proportion of the population aged 14 years or older, (%), Australia, 2004, 2007	115
Figure 8.1	Key actions of the National Preventative Health Strategy – Roadmap for action	124
Figure 15.1	Current initiatives in Geelong	287

List of Abbreviations

ABS	Australian Bureau of Statistics
ADF	Australian Drug Foundation
ADRIFT	Alcohol and Drug Recorded Intelligence for Tasking
AFIS	Australian Federation of International Students
ANDSHS	Australian National Drug Strategy Household Survey
ARCIE	Alcohol-related Crime Information Exchange
BAC	Blood alcohol content
CALD	Culturally and linguistically diverse
CCTV	Closed-circuit television
CDHA	Commonwealth Department of Health and Ageing
CIV	Community Indicators Victoria
COAG	Council of Australian Governments
CPTED	Crime prevention through environmental design
CTC	Communities that Care
DANTE	Dealing with Alcohol-related problems in the Night-Time Economy
EU	European Union
GATS	General Agreement on Trade in Services
GCS	Glasgow Coma Scale
ICEP	Inner City Entertainment Precinct
IRRs	Incidence rate ratios
LCRA	<i>Liquor Control Reform Act</i>
LGA	Local government areas
LRCNSW	Law Reform Commission of NSW
LSD	Licensing Services Division
MCDS	Ministerial Council on Drug Strategy
MICA	Mobile Intensive Care Ambulance

MUARC	Monash University Accident Research Centre
NAFTA	North American Free Trade Agreement
NCETA	National Centre for Education and Training on Addiction
NCP	National Competition Policy
NDLERF	National Drug Law Enforcement Research Fund
NDRI	National Drug Research Institute
NGOs	Non government organisations
NPHT	National Preventative Health Taskforce
OECD	Organisation for Economic Co-operation and Development
PA	Police Association
PCP	Phencyclidine
RAV	Responsible Alcohol Victoria
RBS	Responsible beverage service
RSA	Responsible serving of alcohol
RTO	Registered training organisation
SHAHRP	School Health and Alcohol Harm Reduction Project
SSA	Same-sex attracted
TAC	Transport Accident Commission
STAD	Stockholm Prevents Alcohol and Drug Problems
VAAP	Victoria's Alcohol Action Plan
VALS	Victorian Aboriginal Legal Service
VCAT	Victorian Civil and Administrative Tribunal
WHO	World Health Organization
YRO	Youth Resource Officers

Part A – The Nature, Extent and Impact of Assaults in Public Places

1. Introduction

In Victoria there has been growing concern about the nature and extent of violent crime in recent times. Stories of violent assaults, often accompanied by graphic images of hospitalised victims, received frequent media coverage throughout 2009. Newspaper headlines and editorials suggested there was a spiralling escalation of assaults on the streets of Melbourne and Victoria's regional cities. Alcohol-fuelled violence occurring in late night entertainment precincts received frequent attention, as did attacks on international students and other groups who were seen to be vulnerable. Letters to the editor called for more police, tougher sentences, raised drinking age, education campaigns, curbs on drinking, and various other measures to solve the problem.

Research has shown that media reporting tends to sensationalise the issue of violent crime, generating fear among the general population that often does not match the actual level of risk faced (Criminology Research Council (Australia) & National Campaign Against Violence and Crime (Australia) 1998). Criminologists have long recognised that often fear of crime and perceptions of safety do not relate closely to the actual level of risk faced by various groups within the population – a phenomenon known as the risk-victimisation paradox.

At the most general level people are seen to overestimate the prevalence of crime in the community, ...perceiving increases in crime that are not supported by official statistics ... More specifically, the risk-victimisation paradox refers to the claim that certain groups, such as women and the elderly, who are at less risk according to crime statistics, have higher levels of fear than their male and younger counterparts (Tulloch 1998, p.9).

Nonetheless, there *is* evidence that the incidence and severity of violent crime has increased in Victoria over recent years. According to Victoria Police statistics there has been a 27 per cent increase in the number of assaults occurring in the public domain in the years from 2004/2005 to 2008/2009, with 7 per cent of that increase occurring between 2007/2008 and 2008/2009 (Victoria Police 2009a, p.25). The rate of assault varies across Victoria, and while much of the attention on violent crime focuses on the Melbourne CBD, rates of assault have also increased significantly in many regional local government areas (LGAs) (Victoria Police 2009b).

However, the interpretation of police statistics is not straightforward because they are based on reported crimes and therefore are influenced by the propensity of victims or witnesses to report, and by perceptions of what constitutes an assault (Ringland & Baker 2009; Bricknell 2008). Furthermore, operational priorities of the Victoria Police have an impact on recorded crime statistics. For example, an operational response to crime in a specific area such as the King Street nightclub precinct of Melbourne's CBD designed to deter criminal activity may in fact increase the likelihood that criminal activity will be detected and recorded in crime statistics. Conversely, whilst an area without a significant

police presence may record low levels of crime, this may not reflect the actual level of criminal activity occurring.¹

Nonetheless, Victoria Police statistics show that rates of assault have risen significantly since 2004 and, as Eckersley and Reeder (2008) point out, sustained rises over time are unlikely to be due wholly to confounding factors.² Further, ambulance and hospital emergency department data provide corroborative evidence of an increase in the incidence and severity of assaults in Victoria over the past decade.³

Of particular concern is the increased severity of injuries resulting from assaults. A study of major trauma assaults in Victoria, based on data from the Victorian State Trauma Registry, found they had more than doubled between 2001 and 2007. Injuries related to major blunt trauma – caused by the use of blunt weapons or by hitting and kicking – accounted for the majority of the overall increase while the rate of penetrating injuries – caused by knives, guns etc – remained fairly stable (O’Mullane, Mikocka-Walus, Gabbe, & Cameron 2009). Almost half (47 per cent) of the victims of blunt trauma assault attended by Ambulance Victoria sustained injuries that required urgent medical attention and 7 per cent required the services of intensive care paramedics.⁴ The worst cases suffered long-term impairment or permanent disability.⁵

The experience of ambulance officers in the field is that much of the violence occurring in Victoria is alcohol-related, with high levels of intoxication common for both victims and perpetrators.⁶ Experts who attended a Roundtable discussion on antisocial behaviour and public safety in the Melbourne CBD also attributed the increase and severity of assaults occurring in the public domain largely to alcohol misuse and growth of the night-time economy (Eckersley & Reeder 2008).

Other inquiries – present and past

Community concern over crime against the person is neither confined to Victoria nor a new problem. Two other Australian parliamentary committees have recently addressed the issues of violence and the role alcohol plays in fuelling it. These are the Commonwealth Parliament House of Representatives Standing Committee on Family, Community, Housing and Youth, which tabled its Report into the impact of violence on young

¹ Issues that arise in relation to the interpretation of Police statistics are discussed in greater detail in Chapter 2.

² For an analysis of Victoria Police Assault data see Chapter 2.

³ A detailed overview of the nature and extent of the problem of assault, including an analysis of Victoria Police Statistics, crime victim surveys, and data from the Victorian State Trauma Registry is provided in Chapter 2.

⁴ Evidence of Associate Professor Tony Walker ASM, General Manager – Regional Services, Ambulance Victoria, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

⁵ Evidence of Associate Professor Tony Walker ASM, General Manager – Regional Services, Ambulance Victoria, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009; Evidence of Professor Peter Cameron, Academic Director, Emergency and Trauma Centre, Alfred Hospital, given to Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 9 November 2009.

⁶ Evidence of Associate Professor Tony Walker ASM, General Manager – Regional Services, Ambulance Victoria, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

Australians in July 2010,⁷ and the Law Justice and Safety Committee of the Queensland Parliament, which has recently completed an inquiry into alcohol-related violence in Queensland (Law, Justice and Safety Committee 2010). These inquiries, which have now been finalised, follow in the footsteps of many previous government inquiries into similar topics.

In 1988, for example, the Australian government established the National Committee on Violence to investigate aspects of violence and crime, in response to increasing public anxiety about violent crime. This body produced discussion papers in the *Violence Today* series and a final report, *Violence: Directions for Australia* (1990). Despite most of the report's 138 recommendations being implemented, the long-term trend in the national assault rate has been increasing. Although in the most recent year of available data (2008) the national assault rate fell (Australia Institute of Criminology 2010).

In Victoria, a parliamentary inquiry was held in the 1980s into Strategies to Deal with the Issue of Community Violence. This led to the creation of a Community Council Against Violence, which conducted research and published a range of papers and reports during the 1990s, including a report into violence in and around licensed premises (Victorian Community Council Against Violence 1990).

The focus of attention for both federal and state inquiries during the 1990s was largely on family violence, the gendered nature of violence, and the role of the media. More recently alcohol-related violence has increasingly moved to the forefront of concern. In 2006, the Drugs and Crime Prevention Committee's Inquiry into Strategies to Reduce Harmful Alcohol Consumption addressed alcohol-related violence alongside a range of other social, economic and health-related harms (Drugs and Crime Prevention Committee 2006). In 2009 the Department of Justice commissioned a review and report on 'evidence linking alcohol-related harm to the operation of licensed premises,' as a precursor to the introduction of a risk-based licensing fee structure (Allen Consulting Group 2009).

It is evident that the many inquiries and reports conducted over the years into various aspects of crime against the person and its impact on victims have increased community awareness and led to better services for victims. However, concern is still being expressed about violent crime and discussion continues concerning the best strategies to deal with the problem.

The current Inquiry

Terms of Reference

On 29 July 2009, the Drugs and Crime Prevention Committee received Terms of Reference from the Legislative Assembly which required it to inquire into, consider and report on strategies to reduce crime against the person in Victoria and; in particular:

- (a) the level, nature and incidence of crimes against the person in Victoria and the trends in recent years;

⁷ Included in the terms of reference for that inquiry is the requirement to examine 'links between illicit drug use, alcohol abuse and violence among young Australians' (Standing Committee on Family, Community, Housing and Youth 2010).

- (b) the impact of these crimes on vulnerable groups, migrants, overseas students and the elderly;
- (c) strategies to address these crimes and reduce their incidence and increase the apprehension and conviction of offenders;
- (d) the role of community policing and local community organisations; and
- (e) the level of police resources in Victoria and their distribution throughout the State.

Scope of the Inquiry

Crime Against the Person is one of four general classes of crime recorded in Victoria Police crime statistics and within this class there are six offence categories: Homicide; Rape; Sex (non rape); Robbery; Assault; and Abduction/Kidnap (Victoria Police 2008). Given the complexities and magnitude of undertaking an inquiry that sought to investigate and make recommendations to address all four categories of crime, the Committee decided to narrow the scope of the Inquiry. Analysis of the 2008/2009 crime statistics revealed that assaults represent 76 per cent of the offences recorded against the person, and a decision was made to focus on this offence category. Looking further at recorded assaults, 50 per cent occurred in a public place. The other 50 per cent occurred in non-public locations including, but not limited to, private residences. Given that recent concern has focused on assaults in public places, particularly in and around licensed premises and the alleged targeting of particular groups, the Committee decided assaults in public places would be the focus of its Inquiry. Assaults occurring in streets/lanes/footpaths, retail premises and public transport will also be included. This narrowing of the scope of the Inquiry does not suggest that the Committee views violence that occurs in family and private situations as not being significant or extremely harmful. Indeed this crime warrants a separate Inquiry of itself.

Whilst focussing on assaults in public places the Committee did not seek to limit the scope of the inquiry to alcohol-related assaults. Nonetheless, the majority of evidence collected did tend to focus on this aspect of the broader problem. This is a reflection of the concerns held by witnesses and those who provided submissions to the Inquiry, rather than on a decision by the Committee to limit the scope of the Inquiry in this way.

This Inquiry will not provide an exhaustive analysis of the full gamut of causes of crime. The Committee comprehensively covered the underlying causes of youth crime and crime prevention strategies in its *Inquiry into Strategies to Prevent High Volume Offending by Young People*, completed in 2009. That report addressed a range of early intervention strategies targeting underlying causal factors, including parenting programs, strategies to improve engagement with education and training, youth services and community-based programs such as mentoring. The Committee reaffirms the general principles and recommendations presented in that report as appropriate for dealing with the underlying causes of youth crime. The focus for this Inquiry, however, is on the more proximate factors that contribute to assaults in public places and strategies that can be applied to deal with those.

The term assault is used throughout this Report generically. In other words there are a number of offences both at common law and under Victorian legislation that can be charged when an act of violence is perpetrated. These range from relatively minor offences such as common assault under the *Summary Offences Act* to serious crimes attracting severe penalties under the *Crimes Act*, for example intentionally causing serious injury.⁸

⁸ See Section 16 Crimes Act 1958 (Vic).

Unless otherwise specified the term assault when used in this Report could refer to any or all of these offences depending on the context and the severity of the injuries.

An added complication arises in that the legal categories of crimes against the person, including assaults, are not necessarily always the same as the administrative categories of assault that Victoria Police uses in compiling their annual statistics. For example, the category code 129E ‘Assault by kicking’ used by the police in its *Annual Crime Statistics* is not a crime of itself but in fact one aspect of the offence of aggravated assault in Section 24 of the *Summary Offences Act*. Therefore the analysis of police statistics presented in Chapters 2 and 3 of this Report should be read bearing this in mind.⁹

The Inquiry process

The Committee has embarked upon an extensive research process in order to canvass the issues and receive input and information from as many individuals, agencies and organisations as possible that have an interest in the issues raised in the Terms of Reference.

In conducting the Inquiry the Committee employed a variety of processes and methodologies to gain a comprehensive understanding of the nature, extent and causes of assaults in public places in Victoria and strategies that are currently employed or are needed to address the problem. These processes are detailed below.

Literature review, background briefings and visits

The Committee commenced the Inquiry by receiving a background briefing from Victoria Police and undertaking a comprehensive review of the literature on assaults in public places and initiatives that have been undertaken in Victoria, Australia and overseas to address the problem. This review was constantly updated throughout the Inquiry.

Written submissions

Calls for written submissions were published on 5 September 2009 in the *Herald Sun* and *The Age*. Letters inviting submissions to the Inquiry were sent to all local councils and shires and key government and non-government agencies in Victoria. The Committee received 32 written submissions, which came from a range of individuals and organisations.¹⁰

Public hearings and teleconferences

Public hearings were held in Melbourne on 7, 8 and 12 October 2009, 9, 23 November 2009, 7 December 2009, 22 February 2010 and 22 March 2010. The Committee also conducted telephone conferences with expert witnesses from interstate. In total, the Committee received oral evidence from 98 witnesses.¹¹

⁹ For a list of administrative categories of assault that Victoria Police use in compiling their annual statistics see Appendix 1.

¹⁰ For a list of the submissions received by the Committee see Appendix 2.

¹¹ For a list of witnesses appearing at Public Hearings and spoken to via teleconference see Appendix 3.

Regional and interstate visits

Through its research the Committee identified that Dandenong, Frankston and Ballarat along with the Melbourne CBD, St Kilda and Prahran were areas with high numbers of assaults occurring in public places. As the Committee had already called for submissions and held public hearings where it collected considerable evidence on matters relating to the Melbourne CBD, Prahran and St Kilda it decided to travel to Dandenong, Frankston and Ballarat to conduct a series of forums and public hearings. The Committee also held meetings and a forum in Geelong. Geelong was selected because it had implemented a range of successful initiatives to reduce problems of alcohol-fuelled violence in that region, which were worthy of consideration for other locations.¹² Members participated in a tour of the Geelong nightclub area with members of Victoria Police and the Safe City Committee of Geelong.

In Sydney the Committee met with the Director of the New South Wales Bureau of Crime Statistics and Research and with the CEO of the Australian Security Industry Association.¹³

Independent research

The Committee sought the assistance of Mr Jason Payne, a senior research analyst from the Australian Institute of Criminology, to examine available reliable data from Victoria Police statistics regarding assaults in public places in Victoria and the Melbourne CBD. The purpose of this analysis was to identify the nature, extent, location and seriousness of assaults occurring in public places and to provide insights into the offender and victim groups, including their age and gender.

In addition, the Australian Institute of Criminology conducted a print media analysis of items appearing in the *Herald Sun* and *The Age* for a six-month period between January and June 2009. This analysis, coupled with a comparative analysis of police statistics, was aimed at identifying trends in media reporting and the extent to which media reporting is consistent with recorded crime data.

Additional activities

The Committee undertook a night-time site visit of the Melbourne CBD with representatives of Victoria Police. The Committee also visited the Geelong entertainment precinct with representatives from Victoria Police, nightclub owners and representatives from the City of Greater Geelong. These evening visits provided the Committee with first-hand experiences of some of the issues affecting community safety in these areas. In addition, Committee Members and staff attended a conference and seminars relating directly to the Inquiry's terms of reference.¹⁴

Community input into the Inquiry

In carrying out this Inquiry, the Committee has drawn upon the views and expertise of a broad range of people. The submissions, public hearings and interstate meetings have provided valuable insights into the excellent work of various community and government

¹² For a list of Forums and Hearings conducted in Dandenong, Frankston, Ballarat and Geelong see Appendix 4.

¹³ For a list of meetings conducted in Sydney see Appendix 5.

¹⁴ For a list of the conference and meetings attended by the Committee see Appendix 6.

organisations and provided significant knowledge into what has turned out to be an extremely complex and challenging issue. The Committee is most appreciative of the time, effort and valuable contribution that all the individuals and organisations made during the progress of this Inquiry.

2. Assaults in Public Places in Victoria

Trends in recorded crime

Each year Victoria Police produce a comprehensive statistical report that summarises the type and nature of crimes recorded across the state. In the most recent report, a total of 380,249 offences were recorded, across all categories of crime, and across all regions of the state.¹⁵ Though this was slightly higher than in the previous years (n=376,598 in 2007/08; 376,200 in 2006/07), it nevertheless represents a substantial (13 per cent) reduction in raw offence numbers over the past 10 years. A key driver of the decline in recorded crime has been a significant downward trend in property offences, the most numerous of all offence categories.

Trends in assault

In 2008/09 there was a total of 33,668 assaults recorded across Victoria, representing just less than 10 per cent of all recorded offences in that year. Unlike aggregate recorded crime, however, the numbers of assaults have not trended down in the past 10 years. Instead, 2008/09 recorded the highest number of assaults in 10 years, representing a 57 per cent increase on the number of assaults recorded in 1998/99 (n=21,447).

Trends in assault in public places

Half of all assaults (n=16,813) are recorded by the police as having occurred in a public place – including on the street or footpath, in an open area, at a retail outlet, at a licensed premises, on or near public transport facilities, or at some other community or recreational venue. Public place assaults make up 50 per cent of all assaults recorded across the state (Figure 2.1). Like other assaults, this specific category of crime has defied the aggregate decline and increased over the past 10 years. Assaults in public places have seen a year-on-year increase between 1998/99 and 2008/09, with one exception, and are currently up by 47 per cent since 1998/99. Incidentally, 2008/09 recorded the highest number of assaults in public places in the past 10 years.

It is important to note that between 1998/99 and 2008/09 the Victorian population grew by approximately 720,000 people, or 15 per cent (ABS 3101.0), and population growth is one key factor underpinning changes in recorded crime. Even if, for example, the level of violence within a community remained constant over time, a growth in the population alone is likely to result in a growth in the number of offences committed and subsequently recorded by the police. To counter this, Table 2.1 also presents standardised offence rates per 100,000 of the estimated resident population of Victoria. By standardising the number of recorded offences to a common population base it is possible to isolate the extent to which recorded assaults have increased above that which population growth alone might explain.

¹⁵ Recorded crime refers to those incidents reported and recorded by the police in any given year. Estimates do not include crimes for which there was no corresponding police report. Annual fluctuations in recorded crime numbers are influenced by a number of factors, including fluctuations in victim reporting rates, policing priorities and activities. A comprehensive review of the Victorian Police data collection and recording procedures highlighted these and further issues in data recording and quality control (Makkai and Carcach 2002).

For assaults in public places there has been a 27 per cent increase in the offence rate per 100,000 since 1998/99. Although this is lower than the 47 per cent increase seen in raw offence numbers, it nevertheless illustrates that such assaults have increased faster than the growth in population could otherwise explain. Incidentally, the standardised public place assault rate in 2008/09 was the highest recorded since 1998/99 (312.4 per 100,000).

Another possible factor underpinning the increase in recorded assaults (and rate per 100,000) is an increase in victim reporting. For example, the more often victims of assault (or other crimes) seek police assistance, the more regular these types of offences are recorded in police databases. If the rate of reporting versus underreporting shifts, so too will the rate of recorded crime, even if the actual incidence of the offence does not change.

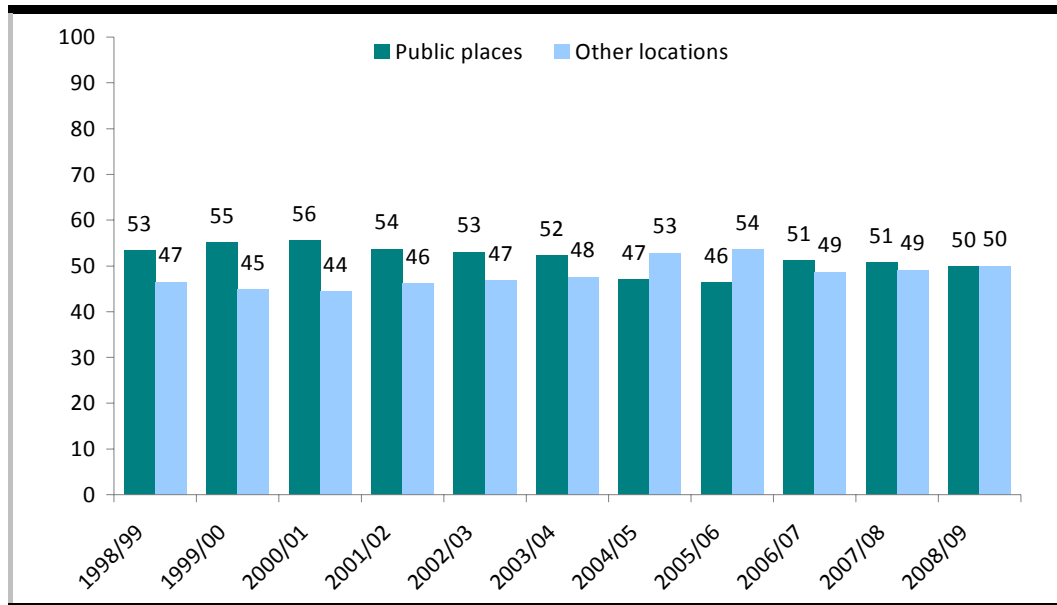
Table 2.1 Assault offences in Victoria 1998/99–2008/09^(a)

	Assault in public places ^(b)		Other assault		Total assault		All crimes	
	n	Rate per 100,000	n	Rate per 100,000	n	Rate per 100,000	n	Rate per 100,000
1998/99	11,461	245.9	9,986	214.2	21,447	460.1	435,950	9,351.7
1999/00	10,948	232.3	8,894	188.7	19,842	421.0	436,532	9,261.9
2000/01	12,160	254.9	9,729	204.0	21,889	458.9	451,609	9,467.6
2001/02	13,542	280.2	11,635	240.7	25,177	520.9	440,835	9,120.6
2002/03	13,323	272.3	11,781	240.8	25,104	513.1	417,797	8,539.6
2003/04	12,902	260.5	11,737	237.0	24,639	497.5	394,822	7,972.7
2004/05	13,239	264.0	14,872	296.6	28,111	560.7	373,917	7,457.5
2005/06	13,431	264.1	15,512	305.0	28,943	569.1	373,024	7,335.0
2006/07	15,406	298.0	15,120	292.4	31,020	599.9	376,200	7,275.7
2007/08	15,900	301.8	15,384	292.0	31,284	593.8	376,958	7,154.6
2008/09	16,813	312.4	16,855	313.2	33,668	625.6	380,249	7,065.4
Change since 1998/99	+47%	+27%	+69%	+46%	+57%	+36%	-13%	-24%
Change since 2007/08	+6%	+4%	+10%	+8%	+8%	+5%	+1%	-1%

Notes: (a) Estimates are derived from each individual annual statistical report and are based on offences recoded at the time of release. Though some figures are adjusted in later years, those adjusted figures are not disaggregated by location. Estimated rates per 100,000 are calculated using the Estimated Resident Population (ERP) numbers at 31 December each year (ABS 3101.0).

(b) Public places include: Public and other transport, Open space, Street/Footpath/Other community location/Retail/Licensed premises.

Source: Victorian Police Crime Statistics 1998/99–2008/09.

Figure 2.1 Percentage of assaults in public places, 1998/99–2007/08 (%)

Note: Public places include: Public and other transport, Open space, Street/Footpath/Other community location/Retail/Licensed premises.

Source: Victorian Police Crime Statistics 1998/99–2008/09.

Location of public place assaults in Victoria

The majority of assaults occurring in public places are recorded on the street or footpath. In 2008/09, there were 9646 such assaults recorded across Victoria, representing 57 per cent of all public places assaults in that year. The second most frequently recorded location for assaults in public places was at retail venues or facilities (n=2188, 13 per cent). Licensed premises were the fourth most frequently recorded location, comprising 10 per cent of all assaults in public places in 2008/09 (n=1601) (Figure 2.2).

It should be noted that the location of an assault refers either to the location of the incident as reported by the victim, or as attended to by the police. In both cases, what is eventually recorded for an incident may not completely describe where the incident occurred, especially in cases where an incident started in one location and ended in another. Assaults in or near licensed premises are typical examples of this problem, where an incident may start within the confines of a licensed venue, but then escalate, or be moved on to another location – most often the street or footpath. In these cases, it is likely that the location recorded for the incident will reflect what was reported to or witnessed by the police and may not capture where the incident first began. One study of assaults at licensed venues in NSW found that some 64 per cent of those that occurred on the footpath or street within close proximity to a licensed venue involved either a victim or offender who had recently exited the venue (Fitzgerald, Mason & Borzycki 2010).

In trend terms, the rate of increase in assaults varied across the different locations. Assaults at retail premises comprised 13 per cent of all public place assaults in 2008/09, an increase of 72 per cent since 1998/99, and was the category with the highest overall growth in the 10 years to 2008/09. The category of assault location with the second highest growth was the street or footpath (up by 53 per cent), followed by assaults at

other community or recreational venues (up by 40 per cent) and assaults on or around public transport (up by 35 per cent). Although assaults occurring on licensed premises, increased by 19 per cent over the 10 years, this category had the lowest overall rate of increase across the various location types.

The increase in assaults across each of the various locations has not been consistent (Table 2.2). For example, the current number of recorded assaults in licensed premises across Victoria (n=1601 in 2008/09) is not the highest recorded in the past 10 years. In fact, 2002/03 reached a peak in licensed premises assaults (n=2279) – 70 per cent higher than 1998/99. Although the current 2008/09 licensed premises figure (n=1601) has increased by 19 per cent since 1998/99, it is 30 per cent lower than its peak in 2002/03.

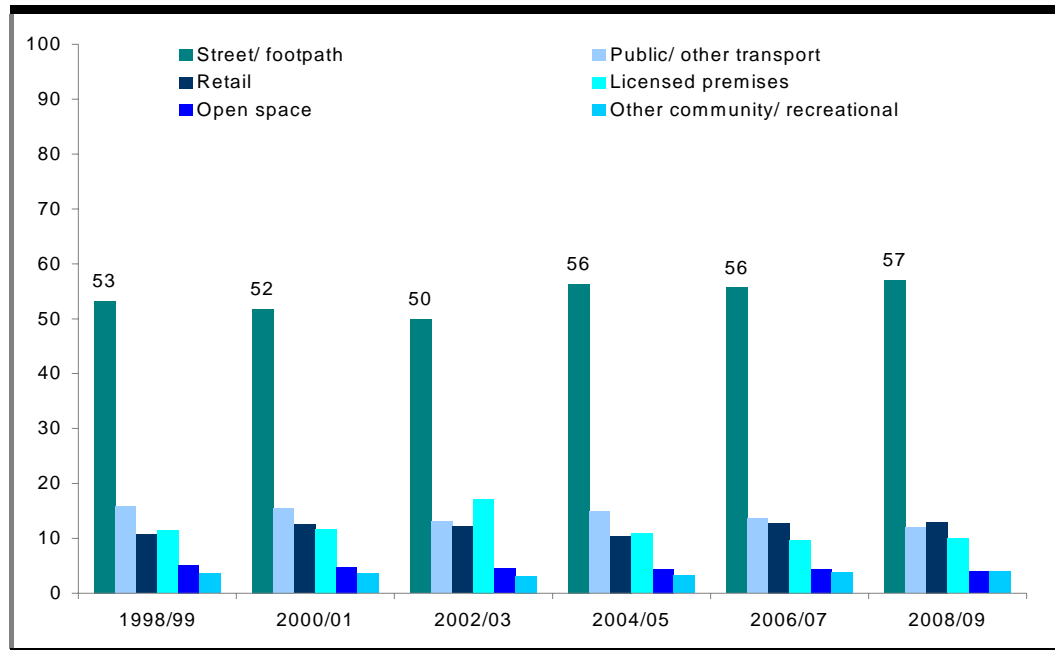
Table 2.2 Assault offences in public places^(a) in Victoria 1998/99–2008/09 (n)

	Public/ other transport	Open space	Street/ footpath	Other community/ recreational	Retail	Licensed premises
1998/99	1,506	615	6,297	425	1,269	1,349
1999/00	1,467	584	5,925	371	1,223	1,378
2000/01	1,710	596	6,403	442	1,556	1,453
2001/02	1,944	589	7,311	517	1,664	1,517
2002/03	1,795	605	6,610	420	1,614	2,279
2003/04	1,721	492	6,511	405	1,629	2,144
2004/05	1,665	591	7,659	435	1,418	1,471
2005/06	1,629	526	7,904	427	1,516	1,429
2006/07	1,772	687	8,793	607	2,012	1,535
2007/08	2,011	660	9,197	638	1,816	1,578
2008/09	2,039	743	9,646	596	2,188	1,601
Change in number since 1998/99	+35%	+21%	+53%	+40%	+72%	+19%
Change in number since 2007/08	+1%	+13%	+5%	-7%	+20%	+2%
Change in rate ^(b) per 100,000 since 1998/99	+17	+5%	+33%	+22%	+49%	+3%
Change in rate ^(b) per 100,000 since 2007/08	-1%	+10%	+3%	-9%	+18%	-1%

Notes: (a) Public places include: Public and other transport, Open space, Street/Footpath/Other community location/Retail/Licensed premises.

(b) Estimated rates per 100,000 are calculated using the Estimated Resident Population (ERP) numbers at 31 December each year (ABS 3101.0).

Source: Victorian Police Crime Statistics 1998/99–2008/09.

Figure 2.2 Location of public assaults, biannual 1998/99 to 2008/09 (%)

Source: Victorian Police Crime Statistics 1998/99–2008/09.

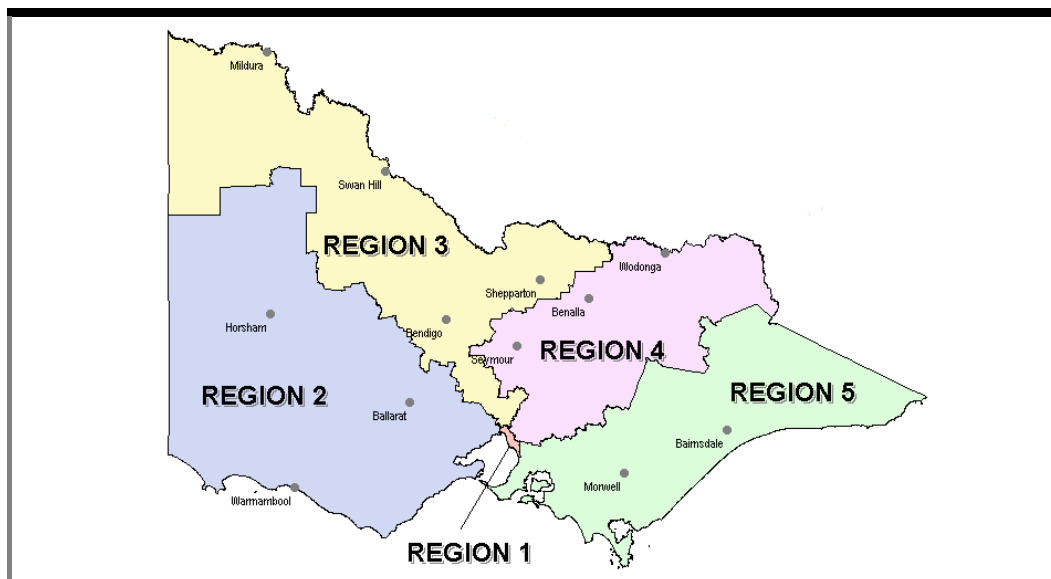
Detailed analysis – Region 1

The information recorded in the Victoria Police annual statistical report provides an overview of both the current and historical trend in assaults in public places across Victoria. They are, however, limited in their capacity to provide a more comprehensive and detailed analysis of the specific characteristics of these offences, including the nature of the crime, the profile of the victims and offenders, as well as the involvement of weapons and alcohol. To better understand these assaults, it is necessary to examine the specific details of each offence by conducting a more comprehensive review of police unit records. To this end, the Committee requested from Victoria Police the unit record data pertaining to all assaults occurring in public places in 2008/09. This data was restricted to those offences recorded in Victoria Police’s statistical Region 1 (Figure 2.3) and, to facilitate trend analysis, a comparable extract was provided for 1998/99.¹⁶ The final data included information about each incident of assault recorded as having occurred in a public place. For each incident the day, time and location (type and postcode) were recorded, as were the number of victims and number of known offenders. The age and gender of each victim and known offender was also provided.

¹⁶ Although the smallest in geographical terms, Region 1 had the highest number of recorded offences (n=83,975) in 2008/09. It represents a broad cross-section of the greater metropolitan area of Melbourne and the frequency of assault as a proportion of all personal crimes, is generally comparable with all four other policing regions across the state (76 per cent).

Furthermore, information was provided about the suspected involvement of alcohol¹⁷ and the use of a weapon in each incident.

Figure 2.3 (a) Victoria Police statistical regions



Source: *Victorian Police Crime Statistics 2008/09.*

Figure 2.3 (b) Victoria Police Region 1



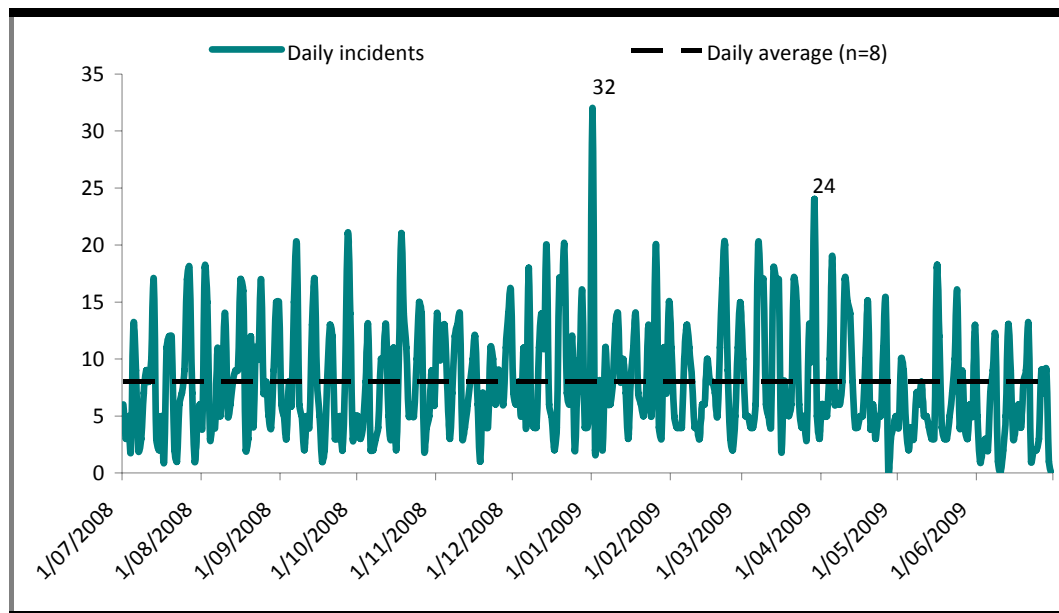
Source: *Victorian Police Crime Statistics 2008/09.*

¹⁷ Information about the involvement of alcohol is recorded by police in what is known as an ‘alcohol flag’. The flag is a check-box system by which police officers can indicate the presence of alcohol as a contributing factor to the offence. Determining the contribution of alcohol, however, is subjective and based primarily on witness statements or police officer observations. Assessing the involvement of alcohol is particularly problematic for assaults reported some days or weeks after the incident occurred and in particular for those assault offences where there was no apprehended offender.

Trends in assault in public places – Region 1

In 2008/09, a total of 2,867 assaults were recorded as having occurred in public places across Region 1, representing approximately 17 per cent of all public place assaults across the state and 42 per cent of all assaults in Region 1. Over the year, the number of incidents each day fluctuated from as many as 32 (on 1/1/2009) to as few as zero (27/4/2009) (Figure 2.4). The average daily rate of assault in public places was eight; the weekly average was 56.

Figure 2.4 Daily number of assaults in public places Region 1, 2008/09 (n)

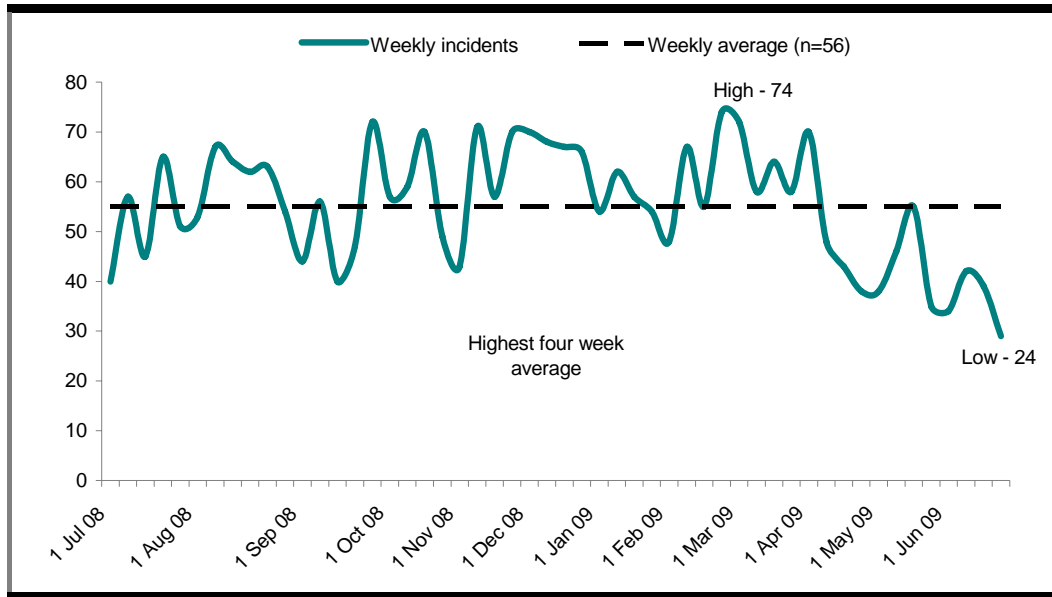


Source: Victorian Police Crime Statistics 2008/09.

Seasonal patterns of assault in public places – Region 1

Despite these daily fluctuations, some periods throughout the year recorded a higher than average rate of assault in public places (Figure 2.5). The four-week period between December 2008 and January 2009 marked the month with the highest number of assaults. The four-week period ending on 30 June 2009 marked the month with the lowest number of assaults. These seasonal patterns are consistent with both Australian and international literature on crime patterns (Brunsdon et al 2009) and reflects seasonal shifts in social and other activities, which may increase in warmer weather.

Figure 2.5 Weekly number of assaults in public places, Region 1, 2008/09 (n)

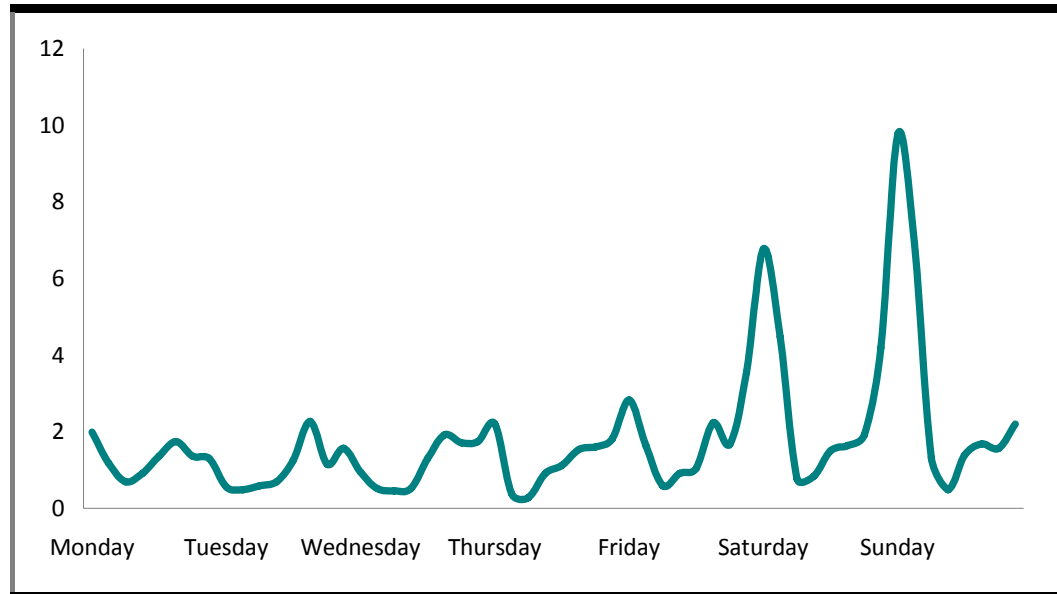


Source: Victorian Police Crime Statistics 2008/09.

Daily patterns of assaults in public places – Region 1

There is strong association between assaults in public places and both the time and day of week. Figure 2.6, for example, graphically represents the joint distribution between the time of day and day of week, while Table 2.3 provides a summary of that data. Both illustrate that, compared with weekdays, the weekends (Friday night through to Sunday morning) account for a disproportionate number of assaults in public places. Sixty-two per cent of all public place assaults occurred on Friday (15 per cent), Saturday (22 per cent) or Sunday (25 per cent). Similarly, the evening and early morning periods, regardless of the day, account for 68 per cent of public place assaults – the most frequent period being between midnight and 3am during which 25 per cent of assaults were recorded. Together, the 6pm to 6am period on both Friday and Saturday night accounted for 39 per cent of assaults. Finally, the three-hourly period with the single highest proportion of recorded assaults was between midnight and 3am on Sunday morning.

Figure 2.6 Assaults in public places by time and day of the week, Region 1, 2008/09 (%)



Source: Victorian Police Crime Statistics 2008/09.

Table 2.3 Summary of assaults in public places by time and day of week, Region 1, 2008/09 (%)

	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	Total
0:00-2:59	2.0	0.6	0.9	2.2	2.8	6.8	9.8	25.1
3:00-5:59	1.2	0.5	0.5	0.4	1.6	4.5	6.9	15.6
6:00-8:59	0.7	0.6	0.5	0.3	0.6	0.8	1.3	4.7
9:00-11:59	0.9	0.7	0.5	0.9	0.9	0.8	0.5	5.3
12:00-4:59	1.4	1.3	1.3	1.1	1.0	1.5	1.4	9.0
15:00-17:59	1.7	2.3	1.9	1.5	2.2	1.6	1.7	13.0
18:00-20:59	1.4	1.2	1.7	1.6	1.7	1.9	1.6	11.0
21:00-23:59	1.3	1.6	1.7	1.8	3.6	4.2	2.2	16.4
Total	10.5	8.6	9.1	9.8	14.5	22.1	25.3	100.0

Source: Victorian Police Crime Statistics 2008/09.

The vast majority of Region 1 assaults in public places involved just one victim (85 per cent), while 11 per cent involved two victims and 4 per cent involved three or more victims. In all, there were 3,464 victims recorded in 2008/09.

Calculating the number of offenders is complicated by the fact that not all incidents reported to the police result in the apprehension of an offender. In 2008/09 there was no known offender for 42 per cent of assaults in public places. For incidents where an offender had been identified (58 per cent of assaults in public places), the majority involved one offender (85 per cent), while 11 per cent involved two offenders and 4 per cent involved three or more offenders. In all, 2,582 offenders were identified in 2008/09.

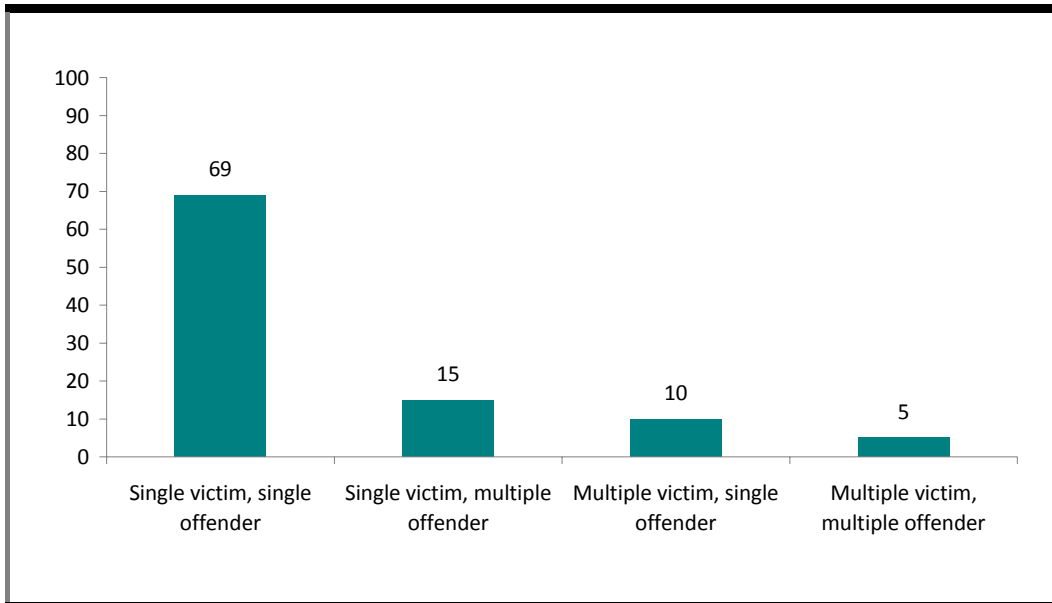
Analysis of the number of victims and offenders in each incident of assault (for assaults where an offender had been identified, n=2026) shows that 69 per cent involved a single victim and single offender (Table 2.4 and Figure 2.7). Of the remaining assaults, 15 per cent involved a single victim and multiple offenders, 10 per cent involved multiple victims and a single offender, while 5 per cent involved multiple victims and multiple offenders.

Table 2.4 Victim and offender distribution of assaults in public places, Region 1, 2008/09

	One offender n	Two offenders n	Three or more offenders n	No known offender n	Total row %
One victim	1153	125	45	1105	85
Two victims	181	41	23	82	11
Three or more victims	70	13	7	22	4
Total column (%)	49	6	3	42	n/a

Source: Victorian Police Crime Statistics 2008/09.

Figure 2.7 Victim and offender distribution of assaults in public places, Region 1, 2008/09 (%)



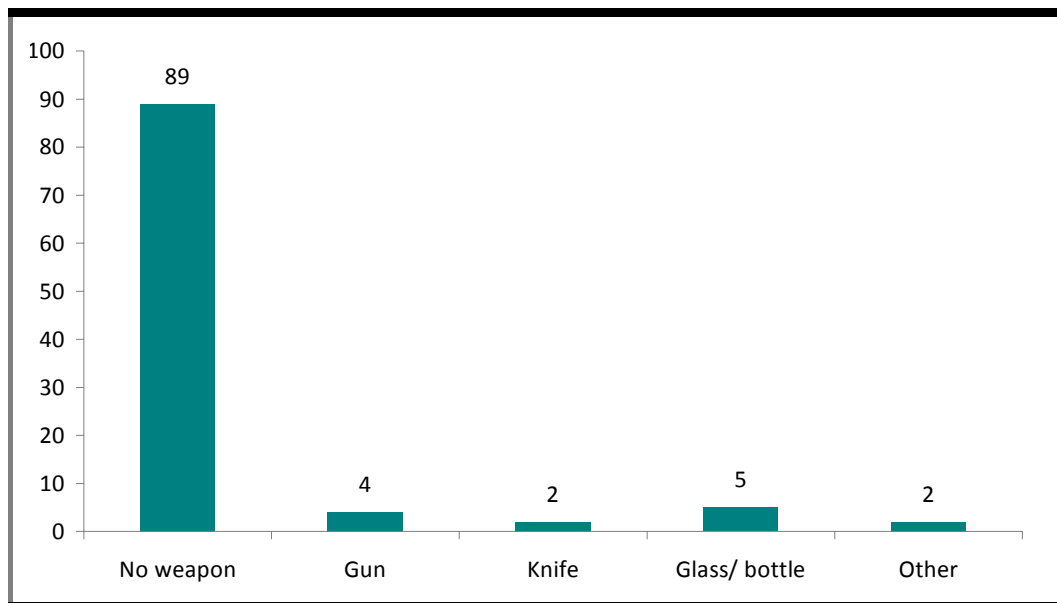
Note: Percentages are calculated only for incidents in which an offender had been identified (n=2026).

Source: Victorian Police Crime Statistics 2008/09.

The involvement of weapons and alcohol in assault in public places – Region 1

A weapon was used in 13 per cent of public place assaults recorded in Region 1 during 2008/09 (Figure 2.8). Most commonly, the weapon recorded by the police was a piece of glass or bottle (5 per cent), followed by a gun (4 per cent) or knife (2 per cent). A final 2 per cent of incidents involved some other weapon, including among other things, a baseball bat, axe and syringe.

Figure 2.8 Weapon involvement in assaults in public places, Region 1, 2008/09 (%)



Note: Percentages are calculated only for incidents in which an offender had been identified (n=2026).

Source: Victorian Police Crime Statistics 2008/09.

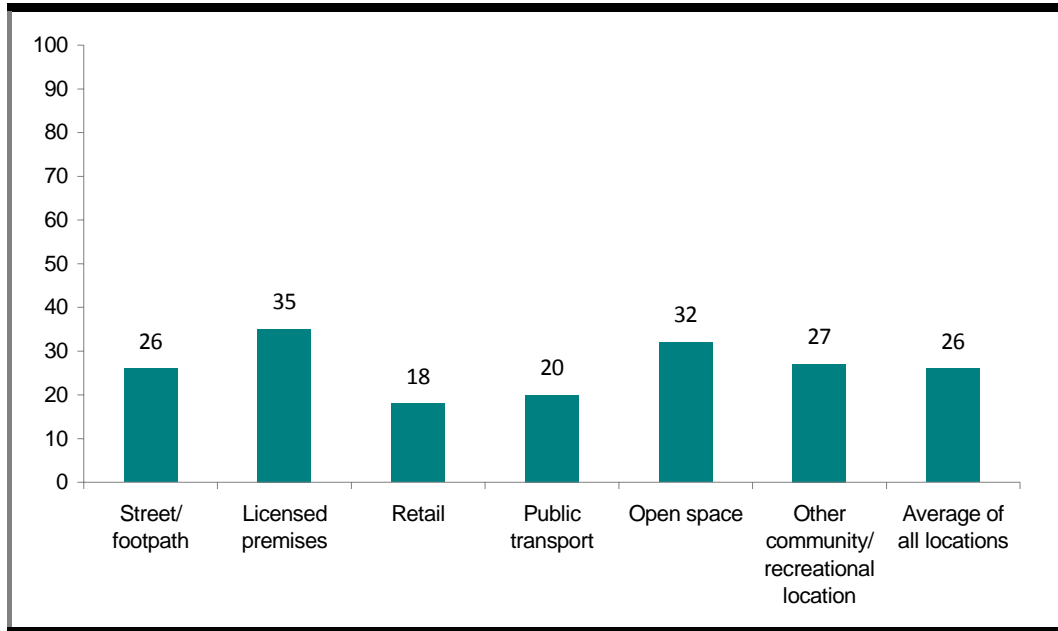
Police flagged alcohol as having been involved in 26 per cent of all public place assaults across Region 1 (Figure 2.9). Assaults that occurred on licensed premises were most likely to have involved alcohol (35 per cent), followed by assaults in open spaces (31 per cent), assaults on the street or footpath (26 per cent) and assaults at other community or recreational venues (27 per cent). Assaults at or near public transport facilities (20 per cent) or those in retail venues (18 per cent) were the least likely to have been flagged by the police as involving alcohol.

Figure 2.10 illustrates how the extent to which assaults flagged as alcohol and drug related changes over the average week. The days and times of the week with the highest number of assaults (Friday and Saturday evenings) are also those with the highest number of alcohol-flagged incidents.

It is worth noting that only 35 per cent of assaults occurring at licensed premises were flagged by police as having involved alcohol or drugs. Without further information or data it is impossible to assess whether this surprisingly low percentage reflects an actual

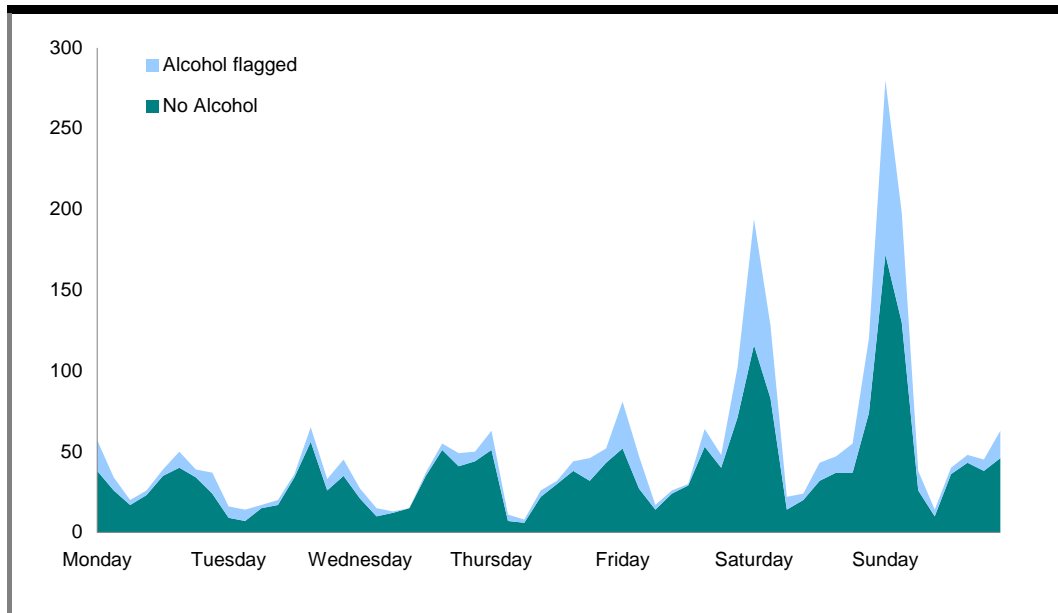
reality about alcohol involvement in licensed premises assault, or whether it reflects the under-utilisation of the non-mandatory alcohol flag by police.

Figure 2.9 Alcohol involvement in assault in public places, Region 1, 2008/09 (%)



Source: *Victoria Police Crime Statistics 2008/09.*

Figure 2.10 Alcohol involvement in assault in public places by time and day of the week, Region 1, 2008/09 (n)



Source: *Victorian Police Crime Statistics 2008/09.*

Victims of assault in public places – Region 1

The 2,867 Region 1 assaults occurring in public locations involved 3,464 victims (Table 2.5). The majority of these victims were male (n=2,684, 77 per cent); 21 per cent were female (n=740). In terms of age, 34 per cent were aged between 25 and 34 years, while a further 31 per cent were aged between 18 and 24 years. The oldest victim was 83 years of age, the youngest was five years, and the average was 30.4 years. The median age was slightly younger at 27 years, illustrating that the age distribution of offenders was skewed towards the younger, rather than the older ages.

Male victims of assault in public places were slightly older than female victims (30.7 years vs. 29.2 years). Although the youngest victim was male, female victims were nevertheless disproportionately overrepresented in the 0–17 year age category (9 per cent vs. 4 per cent).

Table 2.5 Demographic profile of victims of assault in public places, Region 1, 2008/09

	Male (n=2684)		Female (n=740)		All victims (n=3464)	
	n	%	n	%	n	%
0-17	100	4	65	9	165	5
18-24	813	30	239	32	1,052	31
25-34	951	35	224	30	1175	34
35-44	459	17	109	15	568	17
45-54	213	8	66	9	279	8
55+	114	4	19	3	133	4
Unknown/ not recorded	34	1	18	2	52	2
Average age	30.7		29.2		30.4	
Median age	28.0		26.0		27.0	
Min / max age	5 / 83		8 / 81		5 / 83	

Note: (a) Public places includes: Public transport, Other transport, Open space, Street/Footpath/ Other community location/Retail/Licensed premises.

Source: Victoria Police Crime Statistics 2008/09.

Offenders of assault in public places – Region 1

Analysis of the 2,582 offenders identified in 2008/09 (Table 2.6) showed that:

- the majority were male (n=2,228, 86 per cent). Just over one in 10 known offenders were female (n=354, 14 per cent).
- offenders were somewhat younger than victims, having an average age of 24 years. Most offenders were aged between 18 and 24 years (39 per cent), while 13 per cent were aged 17 years or younger. Only 3 per cent of offenders were aged 55 years or older; and

- female offenders were younger than male offenders (25.5 years vs. 27.5 years), with just under one in five female offenders aged less than 18 years (19 per cent).

Table 2.6 Demographic profile of offenders of assault in public places, Region 1, 2008/09

	Male (n=2228)		Female (n=354)		All offenders (n=2582)	
	n	%	n	%	n	%
0-17	265	12	68	19	333	13
18-24	872	39	139	39	1011	39
25-34	596	27	89	25	685	27
35-44	304	14	35	10	339	13
45-54	112	5	17	5	129	5
55+	70	3	4	1	74	3
Unknown/ not recorded	9	<1	2	1	11	<1
Average age	27.5		25.5		27.2	
Median age	24.0		22.0		24.0	
Min / max age	11 / 78		11 / 72		11 / 78	

Note: (a) Public places includes: Public transport, Other transport, Open space, Street/Footpath/Other community location/Retail/Licensed premises.

Source: Victoria Police Crime Statistics 2008/09.

Table 2.7 provides a summary of the victim and offender's gender for each incident in which at least one victim and offender was known. The data shows that overall, 73 per cent of all Region 1 assaults that occurred in public places were single gender assaults – that is, involving victims and offenders of the same gender. Sixty-seven per cent of incidents involved male victims and male offenders only. A smaller proportion (6 per cent) involved a female victim and female offender only. The remaining 27 per cent of incidents were gender mixed assaults; a larger proportion involving a male offender and a female victim (17 per cent) than a female offender and a male victim (10 per cent).

Table 2.7 Gender profile of incidents of assault in public places in Victoria, Region 1, 2008/09

	n	%
Single gender incident		
Male offender, male victim	1,356	67
Female offender, female victim	123	6
Mixed gender incident		
Male offender and female victim	347	17
Female offender and male victim	199	10

Source: Victoria Police Crime Statistics 2008/09.

A spotlight on the Melbourne CBD

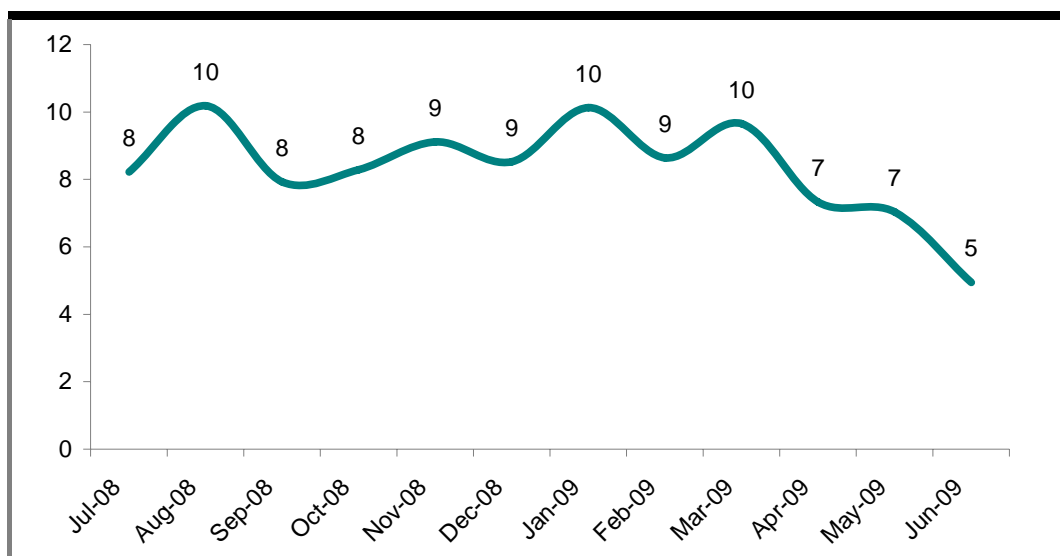
The Melbourne Central Business District (CBD) and the immediate surrounding areas (such as the Docklands) are of specific interests to this analysis for a number of reasons. First, the CBD district represents a specific location that, at certain times during the week, operates as one of the primary entertainment districts for residents of the greater Melbourne region. Indeed, the large influx in the population of consumers in the night economy, coupled with the high density of licensed premises and entertainment venues, makes the CBD a particularly important location for the application of crime prevention and reduction strategies. Second, significant policing and other policy resources are also likely to be targeted at the CBD area for which data analysis can help in both planning and coordination. Finally, the media analysis presented in Chapter 3 is restricted to reports and comments on incidents of violence and assaults that occur within the Melbourne CBD and surrounding area.

For this specific analysis, the CBD area is geographically defined as the areas encompassing Melbourne (postcode 3000), West Melbourne CBD and the Docklands (postcodes 3008 and 3003), Southbank (postcode 3006) and East Melbourne CBD (postcode 3002). Together, these areas of the CBD district recorded a total of 1,189 assaults in public places in 2008/09, 44 per cent of all such assaults recorded across Region 1 and approximately 7 per cent of those recorded across the entire state.

Patterns of assault in public places – CBD

In term of seasonal variation, the CBD exhibited a relatively consistent number of public place assaults over the year, with each month accounting for between 8 and 10 per cent of the year's assaults. The only exception was from April to June 2009, where the proportion of assaults declined to 7 and 5 per cent respectively. Similar to the data presented for the whole of Region 1, the months of late autumn and winter typically record the fewest assaults in public places (Figure 2.11).

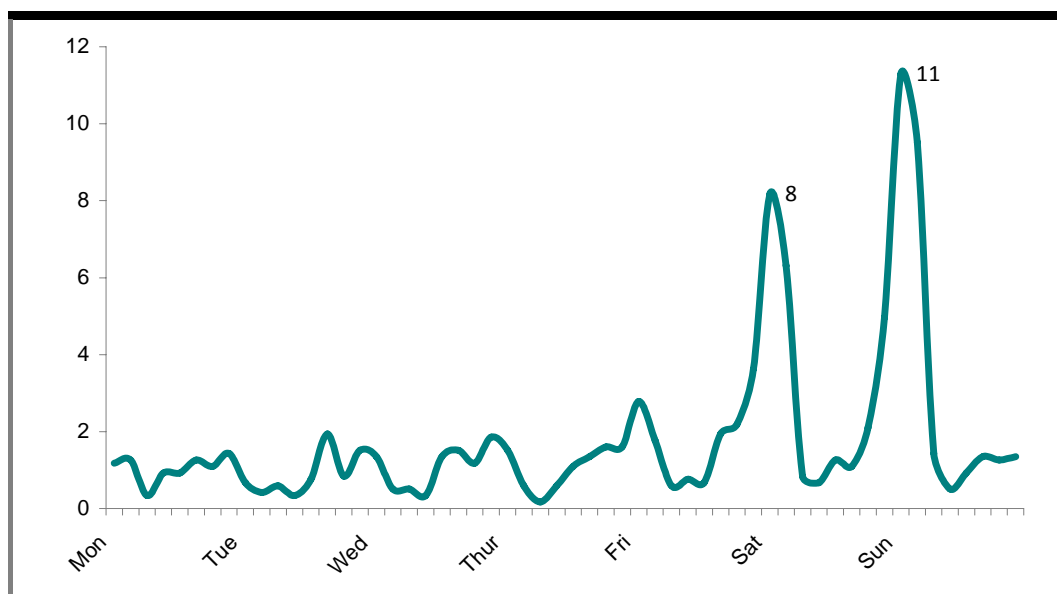
Figure 2.11 Monthly assaults in public places, Melbourne CBD, 2008/09 (%)



Source: Victoria Police Crime Statistics 2008/09.

Over the average week, Friday and Saturday nights accounted for the largest proportion of all assaults in public places in the Melbourne CBD (Figure 2.12). Whilst this trend is consistent with the analysis presented for the whole of Region 1, it appears that CBD assaults were slightly more concentrated during these times. For example, in the CBD 53 per cent of all recorded assaults in public places occurred between 6pm and 6am on Friday and Saturday night, compared with 39 per cent of such assaults in the whole of Region 1.

Figure 2.12 Assault in public places by time and day of the week, Melbourne CBD, 2008/09 (%)

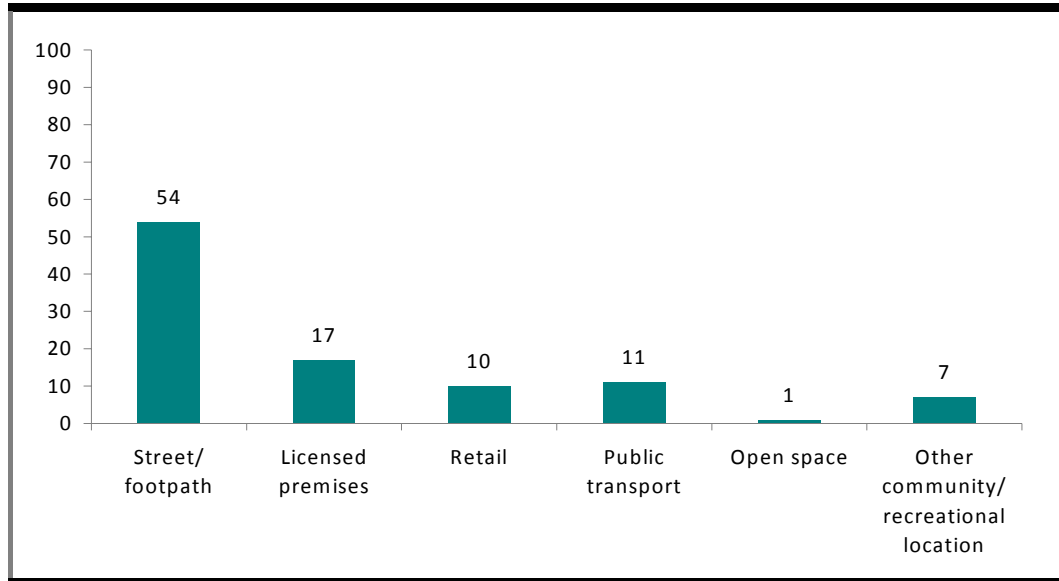


Source: Victoria Police Crime Statistics 2008/09.

Location of assaults in public places – CBD

Police recorded most assaults in the Melbourne CBD as having occurred on the street or footpath (Figure 2.13). In all, 54 per cent of public place assaults were on the street, while 17 per cent were recorded as having occurred in licensed premises, 11 per cent on public transport and 7 per cent at other community and recreational venues.

Figure 2.13 Location of assaults in public places, Melbourne CBD, 2008/09 (%)

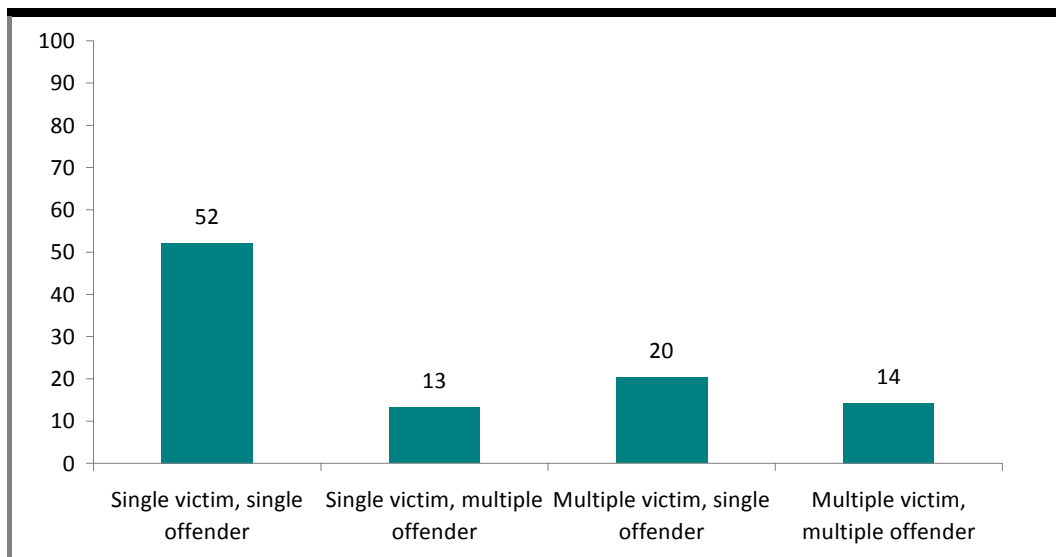


Source: Victoria Police Crime Statistics 2008/09.

Victims and offenders of assaults in public places – CBD

Analysis of victim and offender profiles shows that 52 per cent of public place assaults in the CBD involved a single victim and offender (Figure 2.14). A further 13 per cent involved a single victim and multiple offenders, while 20 per cent involved multiple victims and a single offender. A final 14 per cent involved multiple victims and multiple offenders.

Figure 2.14 Victim and offender profile of assault in public places, Melbourne CBD, 2008/09 (%)



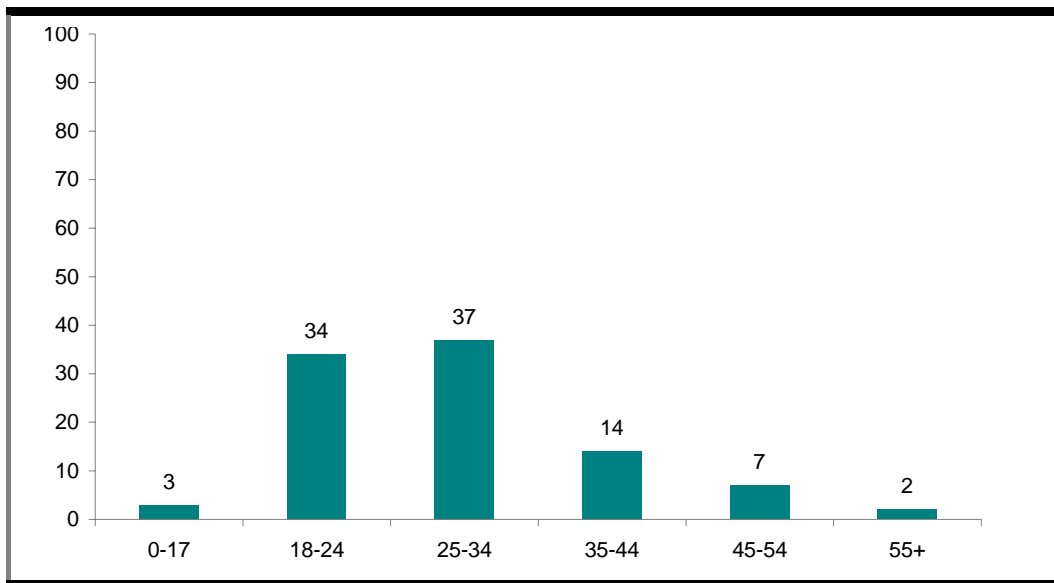
Note: Percentages are calculated only for incidents in which an offender had been identified (n=2026).

Source: Victoria Police Crime Statistics 2008/09.

Seventy-one per cent of CBD assault victims were aged between 18 and 34 years. Of the remaining 29 per cent, 14 per cent were aged between 35 and 44 years, 7 per cent were aged between 45 and 54 years, 2 per cent were aged 55 years or older and 3 per cent were under the age of 18 years (Figure 2.15).

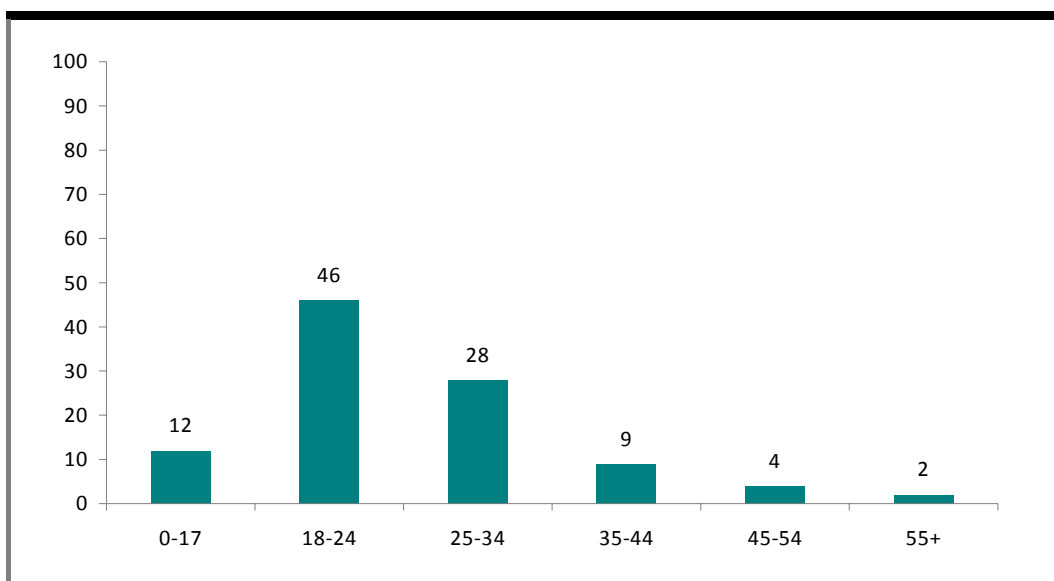
Most known offenders in the CBD were aged less than 25 years (Figure 2.16). Forty-six per cent were aged between 18 and 24 years, while 12 per cent were aged less than 18 years. Offenders in the CBD were, on average, younger than victims.

Figure 2.15 Age profile of victims of assaults in public places, Melbourne CBD, 2008/09 (%)



Source: *Victoria Police Crime Statistics 2008/09.*

Figure 2.16 Age profile of offenders of assault in public places, Melbourne CBD, 2008/09 (%)

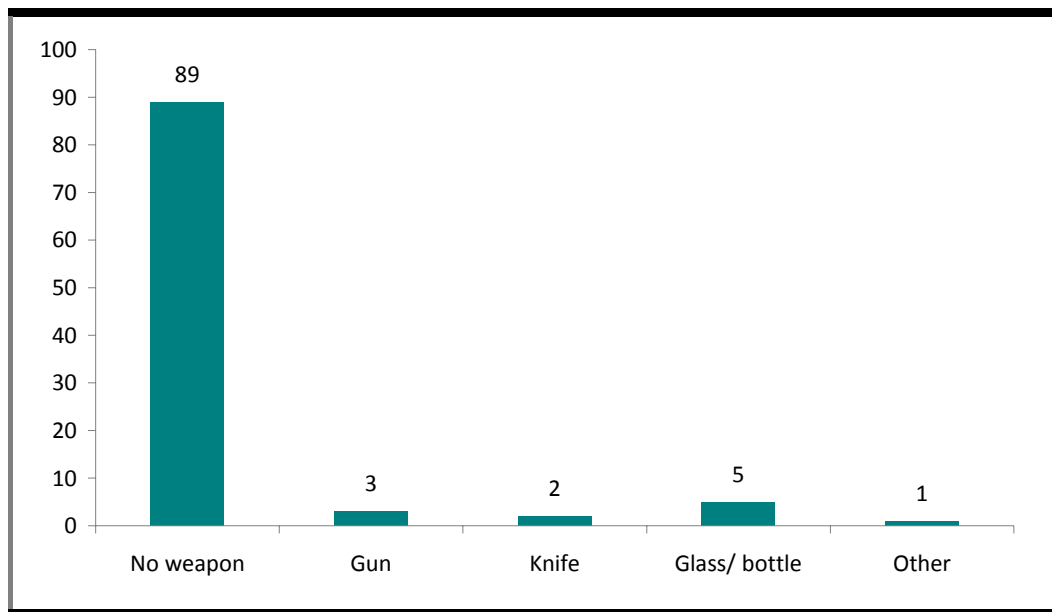


Source: *Victoria Police Crime Statistics 2008/09.*

Weapon use and alcohol involvement in assaults in public places – CBD

The involvement of a weapon was identified by the police in 11 per cent of public place assaults in the CBD. In the majority of cases the weapon was a glass bottle (5 per cent), followed by a gun (3 per cent) and knife (2 per cent) (see Figure 2.17).

Figure 2.17 Weapon involvement in assault in public places, Melbourne CBD, 2008/09 (%)

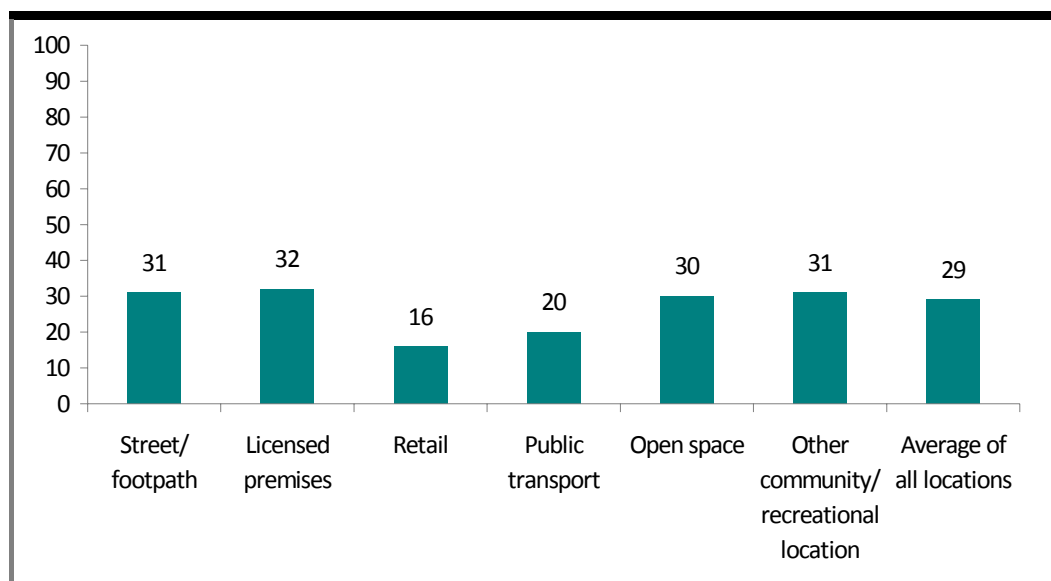


Note: Percentages are calculated only for incidents in which an offender had been identified (n=2026).

Source: Victoria Police Crime Statistics 2008/09.

Police flagged alcohol as having been involved in 29 per cent of all public place assaults across the Melbourne CBD (Figure 2.18). Assaults that occurred on licensed premises were most likely to have involved alcohol (32 per cent), followed by assaults on the street or footpath (31 per cent) and assaults at other community or recreational venues (31 per cent). Assaults at or near public transport facilities (20 per cent) or those in retail venues (16 per cent) were the least likely to have been flagged by the police as involving alcohol.

Figure 2.18 Alcohol involvement in assault in public places, Melbourne CBD, 2008/09 (%)



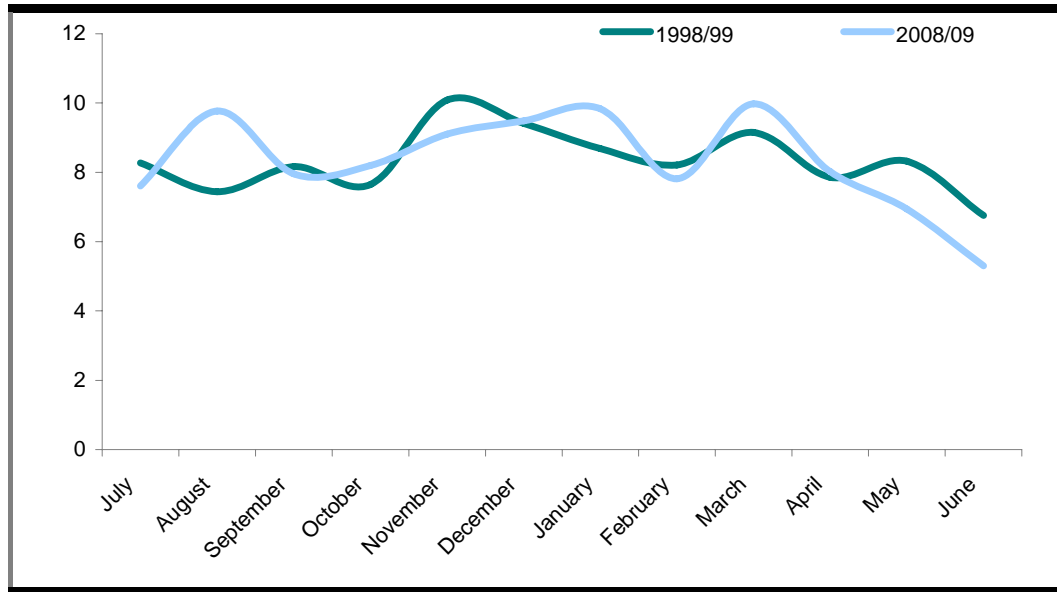
Source: Victoria Police Crime Statistics 2008/09.

Historical comparison – Region 1

As mentioned, for comparative purposes an equivalent set of data was requested by the Committee for assaults in public places recorded during the 1998/99 financial year. These data provide an assessment of the extent to which the nature of such assaults has changed over the last 10 years. These trends are indicative only and should be considered as a guide. This is because some trends were characteristics by year-on-year fluctuations more so than by any direct linear increase, as noted earlier in this chapter.

The general seasonal pattern of assault in public places across Region 1 has remained consistent between 1998/99 and 2008/09 (Figure 2.19). However, it is worth noting that the month with the highest number of public place assaults in 1998/99 was November, whereas in 2008/09 it was January. In both years, June was the month with the lowest number of recorded assaults in public places.

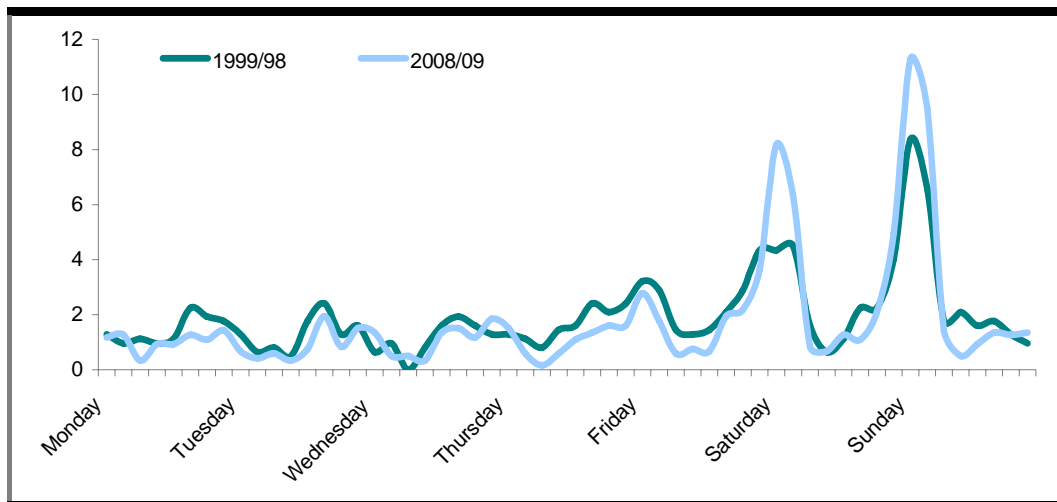
Figure 2.19 Monthly assaults in public places, Region 1, 1998/99 and 2008/09 (%)



Source: Victoria Police Crime Statistics 1998/99 and 2008/09.

Over an average week, the pattern of assault has remained consistent between 1998/99 and 2008/09 – with Friday and Saturday nights accounting for a large proportion of assault offences (Figure 2.20). However, over the last 10 years it appears assault offences in public places have become more condensed (as a proportion of all such assaults) in these two peak periods on the weekend. In 2008/09 for example, 53 per cent of all assaults in public places occurred between 6pm and 6am on Friday and Saturday night. This is up from 45 per cent in 1998/99.

Figure 2.20 Assaults in public places by time and day of week, Region 1, 1998/99 and 2008/09 (%)



Source: Victoria Police Crime Statistics 1998/99 and 2008/09.

Overall, the distribution of Region 1 incidents between the number of victims and the number of offenders has remained relatively consistent between 1998/99 and 2008/09 (Table 2.8). For example, 70 per cent of incidents in 2008/09 – where there was a known offender – involved just one victim and one offender. This is relatively unchanged from 71 per cent in 1998/99. Across the other categories, there was no more than a 1 per cent change, although it is interesting to note that the two categories exhibiting a decline were those involving a single offender, whereas the two categories that increased were those involving multiple offenders. Overall there was a 2 per cent increase in the number of incidents involving multiple offenders between 1998/99 and 2008/09.

Other findings included:

- Fewer incidents in 2008/09 involved weapons (11 per cent vs. 16 per cent).
- The proportion of public place assaults occurring on the street or footpath increased by 6 per cent between 1998/99 and 2008/09 (52 per cent to 58 per cent). This increase was most apparent in the CBD district, where the street and footpath assaults increased by 8 per cent.
- This increase in street and footpath assaults was balanced by declines in public transport assaults (down by 5 per cent). This decline was most apparent in the CBD (down 6 per cent), whereas the decline in licensed premises assaults was equal across all areas of Region 1.
- Alcohol was more likely in 2008/09 to be indicated by police as being involved in assaults in public places (26 per cent, up from 15 per cent). The increase was generally uniform across all areas of Region 1, however it is important to note that these increases may reflect changes in the police use of alcohol-related data fields rather than any specific increase in the proportion of assaults that were, in fact, alcohol-related.

Table 2.8 Profile of assault in public places, Region 1, 1998/99 and 2008/09 (%)

	1998/99 (n=1923)			2008/09 (n=2867)		
	CBD	Outer Region 1	Total Region 1	CBD	Other Region 1	Total Region 1
Victim/ Offender						
Single offender, single victim	66	73	71	66	72	69
Single offender, multiple victims	17	16	16	17	14	15
Multiple offenders, single victim	12	7	9	11	10	10
Multiple offenders, multiple victims	5	4	4	7	4	5
Weapon						
Weapon	15	17	16	10	12	11
No weapon	85	83	84	90	88	89
Location						
Street/ footpath	47	55	52	55	61	58
Licensed premises	19	13	15	17	12	14
Retail	9	11	11	9	13	11
Public transport	17	12	14	11	8	9
Open space	2	6	4	2	4	3
Other	5	3	4	6	3	4
Alcohol-related						
Alcohol flag	16	15	15	29	24	26
No flag	84	85	85	71	76	74

Source: Victoria Police Crime Statistics 1998/99 and 2008/09.

There were no notable changes in the characteristics of assault victims between 1998/99 and 2008/09 (Table 2.9). For example, the proportion of victims who were female remained relatively constant at between 21 per cent in 1998/99 and 22 per cent in 2008/09. The average age of victims was also relatively unchanged over the period, increasing only slightly from 29.9 years to 30.5 years.

In 2008/09 there was an increase in the involvement of females as offenders of assault in public places (Table 2.10). Though still a minority compared with males, females in 2008/09 comprised 14 per cent of all victims across Region 1; up from 11 per cent in 1998/99. The increase in female participation in public place assaults was most notable in the CBD area, where the proportion of females increased from 8 per cent in 1998/99 to

14 per cent in 2008/09. The average age of offenders remained relatively unchanged over the period.

Table 2.9 Demographic profile of victims of assault in public places, Region 1, 1998/99 and 2008/09

	1998/99 (n=2338)			2008/09 (n=3464)		
	CBD	Outer Region 1	Total Region 1	CBD	Outer Region 1	Total Region 1
Victim gender (%)						
Male	81	78	89	80	77	77
Female	19	22	21	20	23	21
Victim age						
Mean age	28.9	30.3	29.9	29.6	31.1	30.4
Median age	26.0	28.0	27.0	27.0	28.0	27.0

Source: Victoria Police Crime Statistics 1998/99 and 2008/09.

Table 2.10 Demographic profile of offenders of assault in public places, Region 1, 1998/99 and 2008/09

	1998/99 (n=2338)			2008/09 (n=3464)		
	CBD	Outer Region 1	Total Region 1	CBD	Outer Region 1	Total Region 1
Offender gender (%)						
Male	92	88	89	86	86	86
Female	8	12	11	14	14	14
Offender age						
Mean age	24.9	27.8	26.8	26.1	28.1	27.2
Median age	23.0	26.0	25.0	23.0	25.0	24.0

Source: Victoria Police Crime Statistics 1998/99 and 2008/09.

Summary of findings

Analysis of data published by Victoria police illustrates a number of key findings about assault in public places across Victoria:

- In 2008/09 there were 16,813 public place assaults recorded by Victoria police. In all, assaults in public places represent 50 per cent of all assaults and 4 per cent of all offences recorded for the year.

- The estimated rate of assault in public places was 312 per 100,000 in 2008/09, some 4 per cent higher than the previous year and 27 per cent higher than the same time 10 years ago (1998/99).
- The upward trend in assault is inconsistent with the aggregate crime trend which, as a result of significant falls in property offending, has declined 24 per cent over 10 years.
- Most assaults in public places are recorded as having occurred on the street or footpath, followed by retail locations, public transport and licensed premises. In all, there were 1,601 public place assaults recorded at licensed premises – 10 per cent of all assaults in public places in 2008/09.
- Retail assaults have increased at a faster pace than any of the other locations recorded by the police – the rate per 100,000 is up by 18 per cent since 2007/08 and 49 per cent since 1998/99.
- The rate of assaults at licensed premises increased by a modest 3 per cent since 1998/99, but declined by 1 per cent in the last year.

A more detailed analysis of unit record data from policing Region 1 showed that:

- Assaults in public places exhibited seasonal fluctuations. The months of late autumn and winter typically record the fewest assaults, while the summer months, and in particular the months encompassing the Christmas and New Year period, had the highest number of assaults.
- Over the year 2008/09, the number of assaults fluctuated from a high of 74 incidents per week in March, to a low of 24 incidents per week in June.
- Weekly trends showed that Friday and Saturday nights between 6pm and 6am recorded the highest number of assault than any other time across the week. Friday and Saturday nights (including the early hours of Sunday morning) accounted for 62 per cent of public place assaults across the region.
- Most assaults involved a single victim and single offender (69 per cent), however a substantial number of assaults involved multiple offenders (20 per cent) or multiple victims (15 per cent).
- Weapons were used in 11 per cent of public place assaults.
- Alcohol or drugs were flagged by the police as having been involved in 26 per cent of assaults in public places.

A detailed examination of victim and offender data revealed that:

- Victims and offenders of assault in public places were predominantly male and aged between 18 and 34 years.
- Offenders were typically younger than victims, and there were more female victims than there were female offenders.
- Cross-classification reveals that 67 per cent of public place assaults in Region 1 involved males only (as offenders and victims). Only 6 per cent of assaults involved females only.
- There were more assaults involving a female offender and male victim than there were a female offender and female victim.

A special analysis of the CBD revealed many of the same key findings, with a few exceptions:

- Public place assaults in the CBD were more concentrated within the Friday and Saturday night periods.
- Licensed premises accounted for a larger proportion of such assaults (17 per cent).
- Incidents of assault were more likely to involve multiple victims or multiple offenders.
- Incidents were more likely to be flagged as having involved alcohol or drugs (29 per cent).

A comparison of data from 1998/99 was conducted to assess historical trends in public place assaults across Region 1 and the CBD. Although there was no apparent change in the seasonality of such assaults, there did appear to be a higher concentration of assaults on the Friday and Saturday night periods. Among the other findings were:

- weapon use had declined (11 per cent, down from 16 per cent)
- alcohol involvement had increased (26 per cent, up from 15 per cent) and there was a modest change in locations of public place assaults, with a decline in public transport assaults (9 per cent, down from 14 per cent) and an increase in assaults on the street or footpath (58 per cent, up from 52 per cent).
- female offenders comprised a larger proportion of known offenders in the more recent years (14 per cent, up from 11 per cent).

Conclusion

Statistical analysis of police data is an invaluable tool in improving our understanding of the nature and context of assaults across Victoria. For policies, programs and interventions to be successful, their development and implementation should be based on quality analysis and the best available evidence.

This Inquiry has sought to analyse the best available data to ensure that its recommendations are relevant and current. However, there were a number of findings that were noteworthy, mainly because they didn't accord with popular perceptions about assaults in public places, and in particular in the CBD. These conflicts between police data and popular perceptions of crime may, in part, be a result of the way in which crime and justice issues are portrayed in the media. They may also, however, be the result of limits of the available data and efforts to improve the quality of the State's data collections on key issues of policy relevance are necessary. Alcohol and the relationship between the night-time entertainment industry and violent crime in the CBD is one such area where more consistent and reliable data would be of significant value. In this analysis, for example, only 29 per cent of CDB assaults were flagged as alcohol or drug related, even though nearly half of all such assaults occurred during the peak period of Friday and Saturday night. Similarly, alcohol involvement was flagged in just 35 per cent of assaults that were recorded by the police as having occurred on licensed premises. Though there are a number of possible explanations for these surprisingly low figures, it is likely that the involvement of alcohol in incidents of violence across Melbourne is under-reported by victims and/or under-recorded by the Victoria police, especially since

the ‘alcohol flag’ is a non-mandatory data collection item. Future analysis of assault and related offences would clearly benefit from a more refined set of alcohol involvement indicators that were consistently and compulsorily collected for all offences.

Recommendation

The Committee recommends that Victoria Police develop a standard alcohol identifier (‘flag’) that is both consistent in measurement and application across the state, and mandatory for all offences recorded in Victoria.
(Recommendation 35)

3. Media Reporting of Assault in Public Places in the Melbourne CBD

The media plays a significant role in informing and shaping popular perceptions of crime and social deviance. For the majority of Australians, knowledge about criminal activity within the community does not stem from first-hand experience of offending or victimisation, nor does it come from academic research. For most people this comes as second-hand knowledge and is transmitted through sources such as the daily newspaper or nightly news broadcast. As such, the print media influences societal perceptions of crime in a way that is largely beyond the scope of other sources of information on crime such as police, policy advisors or academics. Whilst examining official crime statistics provides us with a picture of crime that is officially recorded by police, a consideration of print media provides an important basis on which to understand perceptions of crime held within the community.

Data collection

News and editorial items were identified from Victoria's two largest and most widely circulated print newspapers – the *Herald Sun* and *The Age*. Both newspapers are targeted at a diverse, but different demographic, reaching in excess of an estimated two million readers each day.¹⁸ These two news sources provide for the analysis of a wide cross-section of news items and a comparison of both content and style in the reporting of assault-related incidents in the Melbourne CBD. This process was also chosen to be consistent with the methodology used by the Committee in an earlier inquiry into Reporting crime in the Melbourne CBD (Drugs and Crime Prevention Committee 2001a).

Print news items were collected for a six-month period between January and June 2009 using ProQuest Newsstand, an electronic archival resource for the *Herald Sun* and *The Age*. Where necessary, hard copies of each newspaper were also cross-checked so that an accurate and representative sample of news items could be identified for the period. To ensure that all relevant media articles were included, the initial search used a large number of relevant search terms and keywords (both in full and truncated forms) including, among other things, assault, violence, attack, bash, rob, brawl, etc. Since the media analysis was for incidents occurring within the CBD area, additional search terms were included to identify articles relating to incidents of assault that were specific to the inner city region.

Following the electronic and manual search, each news item was then assessed for inclusion into the final study. Items that were excluded from the list related to assaults occurring outside the CBD or those that did not occur in a public place.

¹⁸ The *Herald Sun*, for example, has an estimated weekday readership of 1,520,000 people, not including online and Internet based access – www.heraldsun.com.au. *The Age* has an estimated weekday readership of 684,000 – www.adcentre.com.au.

Within the six-month period, 459 news items were identified of which 90 (20 per cent) were included in the final study sample.¹⁹ By way of comparison, the Committee’s previous analysis of crime reporting in the CBD collected news items over a six-year period from January 1995 to December 2000, during which approximately 120 items were identified primarily relating to an assault offence in the CBD (Drugs and Crime Prevention Committee 2001a). This is equivalent to around 10 assault-related news items over a six-month period.²⁰

Crime in the news

Of the 90 print assault-related news items identified during the six months between January and June 2009, 70 were published in the *Herald Sun* (77 per cent), while 20 were published in *The Age* (23 per cent) (Table 3.1).

Newspapers on Thursday and Saturday recorded the highest number of news items (n=17, 19 per cent). Conversely, Friday was the day of the week on which the fewest news items appeared (n=9, 10 per cent). Nevertheless, there was no clear or apparent trend in assault-related news reporting across the two major newspapers combined. Between the papers, there were some notable differences. For example, there were no news items recorded on Wednesday or Thursday in *The Age*, despite the fact that Thursday was the day of the week in which the highest number of articles appeared in the *Herald Sun* (n=17, 24 per cent).

Table 3.1 Reporting by day of week from articles collected in the Herald Sun and The Age from January–July 2009

	Herald Sun (n=70)		The Age (n=20)		Total (n=90)	
	n	%	n	%	n	%
Monday	9	13	3	15	12	13
Tuesday	9	13	4	20	13	14
Wednesday	12	17	0	0	12	13
Thursday	17	24	0	0	17	19
Friday	4	6	5	25	9	10
Saturday	11	16	6	30	17	19
Sunday	8	11	2	10	10	11
Total	70	100	20	100	90	100

Source: Australian Institute of Criminology, *Victorian Media Analysis Jan–June 2009* (computer file).

¹⁹ The media sample collected for this analysis is primarily limited to articles archived electronically in the ProQuest Newsstand database, though hard copy newspapers were cross-checked for comparability and accuracy. Despite this exhaustive methodology, it is possible that a small number of news items were not identified. In addition, the sample excludes all other varieties of media such as print news in local newspapers.

²⁰ It is worth noting that the Committee’s earlier study was broader and covered media articles for all crime types in the CBD. In that study, each news item was classified according to the most serious offence type discussed. Drug crimes were recorded as more serious than violent crimes, and were the most highly reported offence over the six-year period.

The majority of assault-related media items appeared in the latter pages of each newspaper. For example, 44 of the 90 items (49 per cent) appeared on page 11 or later (Table 3.2). Only three items over the six-month period appeared on the front page, while 28 appeared between pages two and five and 15 appeared between pages six and 10. There was some difference between the two newspapers, namely:

- all page one items appeared in the *Herald Sun*. There were no CBD assault-related items appearing on the front page of *The Age*;
- more than half of all items appearing in *The Age* were between pages two and five of the newspaper;
- notwithstanding the three front page articles, there was a general tendency for assault-related news items in the *Herald Sun* to appear in the later pages of the paper – these later pages are generally recognised as the more tabloid and editorial style news items.

Table 3.2 Reporting of articles by the page that article first appeared, from the Herald Sun and The Age from January–July 2009 (%)

	Herald Sun (n=70)		The Age (n=20)		Total (n=90)	
	n	%	n	%	n	%
Page 1	3	4	0	0	3	3
Pages 2–5	17	24	11	55	28	31
Pages 6–10	12	17	3	15	15	17
Pages 11+	38	54	6	30	44	49
Total	70	100	20	100	90	100

Source: Australian Institute of Criminology, Victorian Media Analysis Jan–June 2009 (computer file).

When are assaults being reported?

The appearance of print news items related to assaults in public places was not evenly distributed over the six-month period. The maximum number of items appearing on any single day was five (on 15 April 2009), the minimum was zero. In fact, of the 181 days between 1 January and 30 June 2009 there were 119 days on which no relevant media items (public place assaults in the CBD) were published (66 per cent). The 90 items identified in this study appeared across a total of 62 days, suggesting that there was at least one news item every three days (62 of 181 days), and on each day there was an average of 1.5 articles. Further analysis showed that 43 of the 62 reporting days (69 per cent) had just one item published; the remaining 19 days had multiple articles published.

Figure 3.1 illustrates this by plotting the number of articles recorded for each day over the six-month period. It shows four points at which there was an above average rate of reporting. In particular, these peak reporting periods related to:

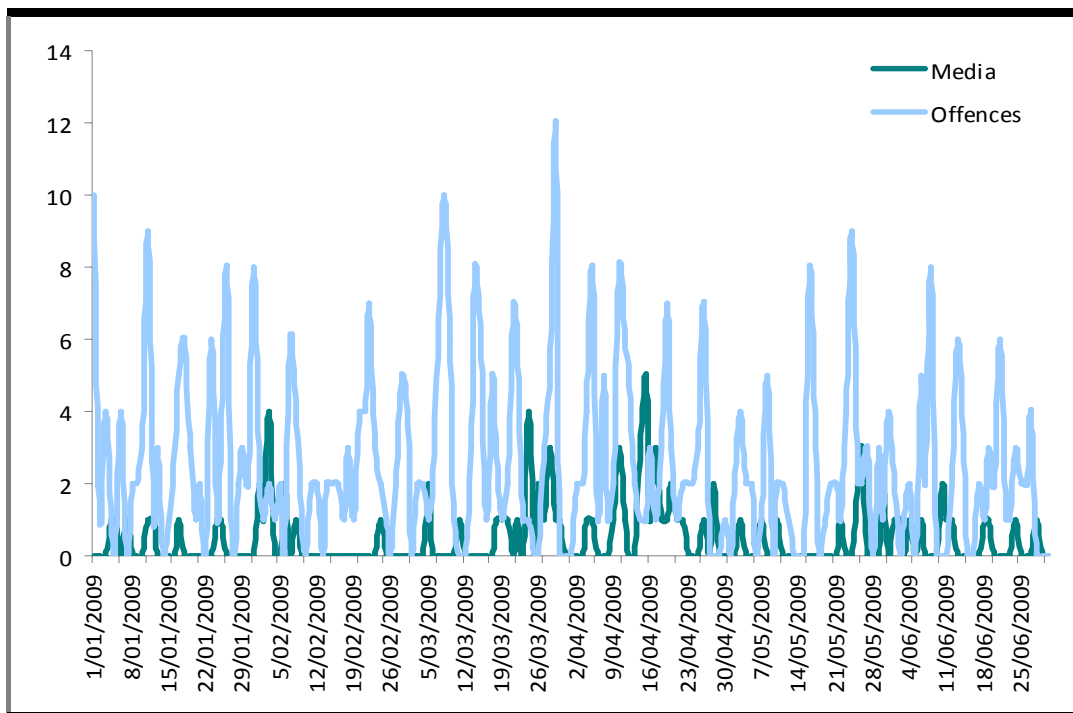
- the involvement of an NRL (Melbourne Storm) player in an assault in the CBD (4 February 2009);
- an assault at the Queensbridge Hotel (26 March 2009);

- the proposed introduction of the ‘red card system’ to licensed venues across the CBD (16 April 2009); and
- the victimisation of female patrons in licensed premises, though this reporting was not related to any specific incident of assault (27 May 2009).

Figure 3.1 also overlays the number of print media reports with the number of recorded assaults for the six-month period of the media analysis. Figure 3.3 summarises this data into weekly rates, calculated as the percentage of all offences and print news items that were recorded over the period. Both figures show no apparent relationship between media reporting and the frequency of recorded assault incidents. While the distribution of recorded assaults remains relatively stable on a week-to-week basis, crime reporting exhibits a much larger degree of variability, with much larger peaks and shallower troughs throughout the period.

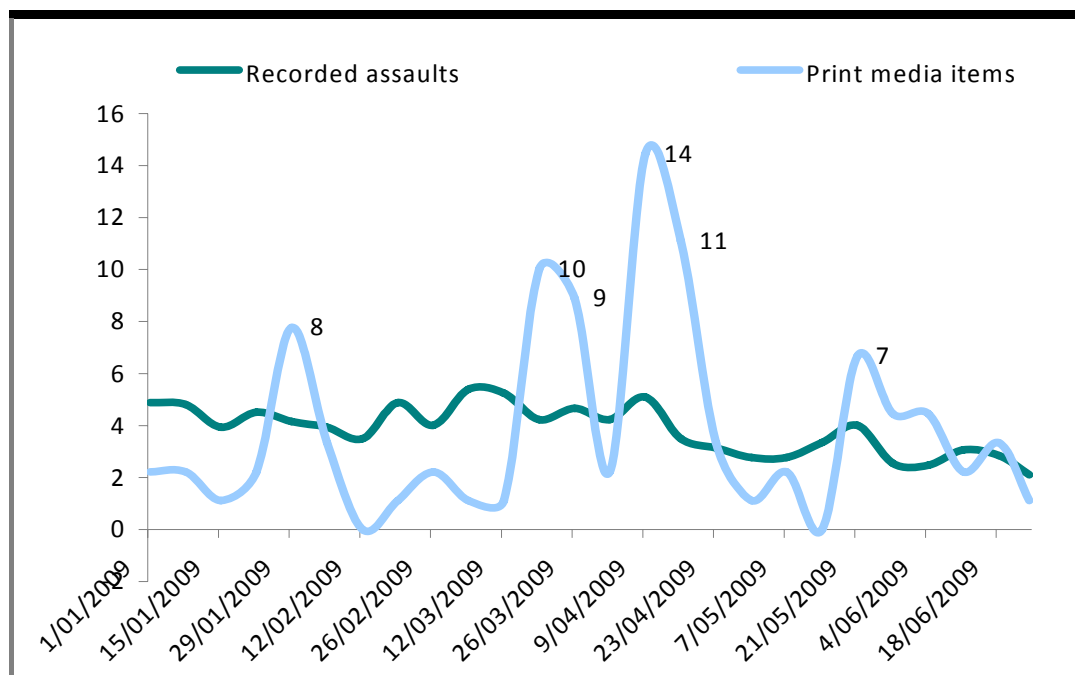
Figure 3.2, for example, shows that the proportion of recorded assaults occurring in any single week fluctuated between 2 and 5 per cent. Print media reporting, on the other hand, fluctuated from a high of 14 per cent in the week commencing 9 April 2009, to as low as zero per cent in the week commencing 12 February 2009. In fact, six of the 26 weeks between 1 January and 30 June 2009 accounted for 59 per cent of all print media reporting identified for the period. It appears from this data that print media reporting does not reflect general recorded crime trends, but instead is focused predominantly on specific incidents of assault which later generate a disproportionate number of print media items.

Figure 3.1 Print news items and assaults in public places by date, January–June 2009 (n)



Source: Australian Institute of Criminology, *Victorian Media Analysis Jan-June 2009* (computer file); Victoria Police Crime Statistics 1998/99 and 2008/09.

Figure 3.2 Weekly print news items and assaults in public places, January–June 2009 (% of total across the period)



Note: Estimates are presented as a percentage of total recorded during the data collection period Jan–June 2009.

Source: Australian Institute of Criminology, Victorian Media Analysis Jan–June 2009 (computer file); Victoria Police Crime Statistics 2008/09.

Key themes in the media

Each print news item was assessed to identify the frequency with which specific locations, populations and situational characteristics were mentioned. Table 3.3 shows that discussion about licensed premises in the CBD, either specific premises or premises more generally, was identified in 56 news items (62 per cent). Public transport was noted in 13 articles (14 per cent). A greater proportion of the *Herald Sun* news items discussed licensed premises than in *The Age*, whereas references to public transport was more common in *The Age*.

Of the three situational factors – drugs, alcohol and weapon use – 53 articles referenced alcohol use (59 per cent), 18 referenced the involvement of a weapon (20 per cent), while 12 articles mentioned the use of drugs (13 per cent). Alcohol and drug use was more often mentioned in news items from *The Age* than in the *Herald Sun*. Discussion about weapon use appeared equally across the newspapers.

Four special populations were examined in the content analysis – youth, females as offenders, gangs, and other minority groups as victims or offenders. In all, 20 news items discussed assaults related to youths (22 per cent), 12 items provided a discussion about women as offenders or perpetrators of assault (12 per cent), while nine items referenced gangs (10 per cent). There were no notable differences between the two newspapers in terms of which of the four special populations were mentioned.

Table 3.3 News item themes^(a) by source, January–July 2009 (%)

	Herald Sun (n=70)		The Age (n=20)		Total (n=90)	
	n	%	n	%	n	%
Locations						
Licensed premises	46	66	10	50	56	62
Public transport	8	11	5	25	13	14
Situations						
Alcohol	40	57	13	65	53	59
Drugs	10	7	2	10	12	13
Weapon involvement	14	20	4	20	18	20
Special populations						
Youth	16	23	4	20	20	22
Involving female offenders	9	13	3	15	12	13
Gangs	7	10	2	10	9	10
Minority groups	3	4	2	10	5	6

Note: (a) Articles may identify with having more than one theme.

Source: Australian Institute of Criminology, Victorian Media Analysis Jan–June 2009 (computer file).

Media themes vs. police statistics

One of the main purposes of conducting the media analysis was to examine the extent to which media reports of assault in the Melbourne CBD reflect general patterns of such assaults, or whether specific types of assault or specific topics are more (or less) likely to be reported.

Table 3.4 provides comparative data on key themes that can be equally measured between the police statistics and media items. Some of the themes examined, such as ‘youth’, ‘minority groups’ and ‘drugs’ cannot be reasonably and comparably measured in the police data and so have been omitted from this analysis.²¹

Overall, the comparisons illustrate a number of interesting similarities and differences between media reporting and recorded crime. For example:

- print media items disproportionately reported on incidents of assault in licensed premises. Sixty-two per cent of print media items mentioned licensed premises compared to 17 per cent of actual assaults being recorded as occurring in licensed premises. As noted earlier, however, this might also reflect a degree of underreporting for incidents on licensed premises since the location of an incident recorded in police data relates only to where the incident was reported or observed by the police.

²¹ Some media themes cannot be reliably identified and compared in police data. For example, where in the print media references are made to issues such as ‘young people’ and ‘youth’ it is not known what age groups these media items are specifically referring to. In police statistics, however, a decision must be made about the age group used to define ‘youth’ and it cannot, therefore, be guaranteed that these statistical decisions will reflect these broader references to youth in the media.

- public transport was just as likely to be mentioned in the media as it was to be recorded as the location of assaults in the CBD (14 per cent vs. 11 per cent).
- alcohol was more often reported in media items (59 per cent) than flagged by the police as being involved in actual incidents of assault in the CBD (29 per cent). This difference, however, might be influenced by the under-utilisation of the alcohol flag by the police.
- weapon involvement in assaults was more likely to be reported by the media (20 per cent) than by the police (10 per cent). This overrepresentation was even greater when analysed specifically for media reports on incidents excluding media commentary and reports on policing or government strategies.
- there were more incidents of assault involving female offenders and multiple offenders than there were media reports about female offenders or gangs.

Table 3.4 Comparison of police data and media items for assaults in public places in the CBD (%)

	CBD police statistics (2008/09)	Media items (Jan-June 2009)
Locations		
Licensed premises	17	62
Public transport	11	14
Situations		
Alcohol	29	59
Weapon involvement	10	20
Special populations		
Involving female offenders	17	13
Gangs/ multiple offenders	18	10

Source: Australian Institute of Criminology, *Victorian Media Analysis Jan–June 2009* (computer file); Victoria Police Crime Statistics 2008/09.

Type of media items

Content analysis of each of the 90 news items identified six different classifications:

- incident reporting – an item that reports the circumstances of a specific incident of assault, often a routine crime report and sometimes using a police media release to describe the alleged incident.
- incident follow up – an item that details information about an older incident of assault, often following the court case of the offender, or interviews with the victims.
- incident comment – items that involve editorial or public commentary on an incident that has occurred, but which reports no specific information about the incident, often appearing in the letters or ‘in brief’ sections of the newspaper.
- response report – an item that details a response to assault-related offending/offences – typically a primary report about a policing or government strategy that targets assault.

- response comment – items that involve editorial or public commentary on a response to assault.
- general comment – items that make no specific reference to an incident of assault or a response to assault offences, but reports more generally about assault offences or violent crimes.

Between 1 January and 30 June 2009, 16 print items were classified as an incident report (18 per cent) (Table 3.5). A further 17 items (19 per cent) were incident follow up reports, while 25 were primary reports of a policing or government response to assault or violence in the Melbourne CBD (28 per cent). The remaining 32 items were classified as commentaries: 15 as general commentaries, 10 as incident commentaries and seven as response commentaries.

There was a greater tendency for items in *The Age* to be classified as a response report (n=8, 38 per cent) – the single largest category of items in *The Age* over the six-month period. For the *Herald Sun*, the distribution of items across the various types was more even, although there was a greater tendency to report on specific incidents of assault (21 per cent) compared to those items appearing in *The Age* (5 per cent).

Table 3.5 News item type by theme,^(a) January–July 2009

	Herald Sun (n=70)		The Age (n=20)		Total (n=90)	
	n	%	n	%	n	%
General comment	12	17	3	15	15	17
Incident comment	10	14	0	0	10	11
Incident follow up	13	19	4	19	17	19
Incident report	15	21	1	5	16	18
Response comment	3	4	4	19	7	8
Response report	17	24	8	38	25	28
Total	70	100	20	100	90	100

Note: (a) Media items may identify with having more than one theme.

Source: Australian Institute of Criminology, *Victorian Media Analysis Jan–June 2009* (computer file).

Media sources

Most print media items referenced at least one person or agency as the source of their information. Those that did not were most likely to have been published in the letters to the editor section of the newspaper. Half of all items referred to the police (n=45, 50 per cent), including either a police media release or spokesperson (Table 3.6). A further 40 items (44 per cent) referenced a government source, although more detailed analysis shows that in many of these cases the source was the Lord Mayor of Melbourne. Only eight articles cited research as a source of information supporting the article, while eight cited documents or proceedings in court as their source. Finally, 40 articles (44 per cent) were noted as having used ‘other’ sources – these included victims of offences, owners or operators of licensed premises or members of professional or representational bodies.

The Age less frequently identified their sources. However, when they did they were more likely than the *Herald Sun* to have used a government source (60 per cent vs. 40 per cent) and less likely to have used a police source (35 per cent vs. 54 per cent). These differences are consistent with the findings presented earlier that items in the *Herald Sun* were more frequently classified as incident reports, while those in *The Age* were more frequently classified as response reports – including government initiatives to tackle assault in the CBD.

Table 3.6 Source^(a) of information in news items, January–July 2009

	Herald Sun (n=70)		The Age (n=20)		Total (n=90)	
	n	%	n	%	n	%
No source	7	10	4	20	11	12
Source						
Police	38	54	7	35	45	50
Government	28	40	12	60	40	44
Research	6	9	2	10	8	9
Court	7	10	1	5	8	9
Other	28	40	12	60	40	44
Sub total	(63)	(90)	(16)	(80)	(79)	(88)

Note: (a) Media items may identify with having more than one source.

Source: Australian Institute of Criminology, Victorian Media Analysis Jan–June 2009 (computer file).

Statistical data was rarely referred to in the media items. Overall, 16 items (17 per cent) were identified as having used statistical or research data. In 11 of those cases police statistics were used. There was only one occasion in which other research based statistics were cited in the six-month period (Table 3.7).

Table 3.7 News items using statistical sources by source, January–July 2009

	Herald Sun (n=70)		The Age (n=20)		Total (n=90)	
	n	%	n	%	n	%
No statistical source	58	83	16	80	74	82
Statistical source	12	17	4	20	12	13
Government	2	3	0	0	1	1
Police	9	13	2	10	10	11
Research	1	1	2	10	1	1
Sub total	(12)	(17)	(4)	(20)	(12)	(13)

Source: Australian Institute of Criminology, Victorian Media Analysis Jan–June 2009 (computer file).

Policy in the media

Half of the 90 items assessed in this study were identified as having referenced or made recommendations for policy (Table 3.8). Most frequently, recommendations related to general prohibition policies – prohibiting the use of glass in licensed venues, prohibiting the entry of intoxicated patrons and prohibiting the continued consumption of alcohol by intoxicated patrons of licensed premises. These types of policies were referenced in 14 news items (14 per cent of all items, 40 per cent of all items identified as referencing some type of policy). Policing activities were the second most commonly cited policies (n=12), followed by alcohol price and taxation policies (n=7), legal or criminal justice policies, such as tougher sentences for offenders (n=6), and surveillance policies, such as CCTV (n=4).

Compared with the *Herald Sun*, *The Age* made reference to policy more often (56 per cent vs. 50 per cent), however in both newspapers the most frequently cited policy type was the same.

Table 3.8 News items with policy suggestions^(a) by theme, January–July 2009

	Herald Sun (n=70)		The Age (n=20)		Total (n=90)	
	n	%	n	%	n	%
No policy suggested	35	50	10	50	45	50
Policy suggested						
Alcohol price/ taxation	5	7	2	11	7	8
Prohibiting patron behaviour	9	13	5	28	14	16
CCTV/ surveillance	4	6	0	0	4	4
Policing	9	13	3	17	12	13
Laws	6	9	0	0	6	7
Other	2	3	0	0	2	2
Sub total	(35)	(50)	(10)	(50)	(45)	(50)

Note: (a) Articles may identify with having more than one policy suggestion.

Source: Australian Institute of Criminology, Victorian Media Analysis Jan–June 2009 (computer file).

Conclusion

As a key source of information for the community regarding criminal activity in Victoria, the focus and content of the media's reporting on crime has a significant ability to shape community attitudes and perceptions about crime and justice issues. Indeed, since 'what sells' is often a key driver of what gets reported in a highly competitive media market there is a danger that community perceptions of crime trends and the fear of personal victimisation no longer reflects reality.

Examining media reporting therefore provides a unique insight into issues that are considered important to the community but which might not otherwise be borne out in standard police statistical reporting or analysis. Moreover, media analysis will help to

contextualise the disparity between real and perceived risks of crime and victimisation across the community, as well as to aid policy and policing agencies in their efforts to meet community expectations in the development and implementation of crime reduction strategies. Together with official data, media reports can help inform strategies that address both actual and perceived crime problems.

An analysis of the print media reporting of assaults in the Melbourne CBD identified 90 news and editorial items published in the *Herald Sun* and *The Age* during the six months between January and June 2009. The majority of items were printed in the *Herald Sun*, most typically within the later pages of the newspaper (from p.11 onwards). There was no apparent trend in when the items were reported, however unlike the comparatively constant recorded crime rate, print media reporting was more variable over the period. For example, the 90 items identified over the six months appeared on 62 different days. This equals a reporting rate of at least one item ever three days.

There were four periods in which media reporting was concentrated. In two of these periods the reports were focused on a specific high-profile incident of assault that generated a disproportionate number of media items. It was clear from the analysis that media reporting does not accord with trends in recorded crime. Rather, media reporting was disproportionately concentrated at certain periods, typically as a result of a high profile incident or policy statement.

Content analysis revealed a fairly even distribution of print media items across a range of categories, from incident reporting to general commentary. The most common type of items appearing in the print media were reports about the policing or policy responses to assaults in the CBD – accounting for 28 per cent of all items over the period. In addition, the content analysis found that:

- The majority of news items used a source (78 per cent) – the police were the most commonly cited source, followed by a local or state government representative;
- Statistical data was presented in only 13 per cent of news items – in almost all cases that data was from the police; and
- Comments or recommendations for policy were discussed in half of all print media items – the most commonly discussed policies related to prohibiting the behaviour and activities of patrons at licensed premises.

A comparative analysis of media themes and police recorded statistics illustrated a number of key differences:

- Alcohol was more frequently discussed in the media than flagged by the police;
- Licensed premises were noted as the location of assaults more frequently than the police recorded licensed premises as the location of assaults; and
- Weapon involvement was more frequently noted in media reports than recorded by the police.

Media reporting is, however, just one of a number of possible options for identifying and measuring issues of concern across the community. Indeed, issues canvassed in the media are not likely to reflect the wide range of concerns that are specific to different populations and community groups across the State of Victoria. To this end, other methodological approaches, such as a community attitudes and fear of crime survey, are needed to ensure that a broader array of community concerns are identified and reported.

4. The Impact of Assault on Victims

Introduction

Assaults that occur in public places can have a variety of repercussions. While some assaults are not serious, others are, with victims being affected physically, psychologically, emotionally and socially, sometimes for the rest of their lives.

The impact of the assault may also affect the victim's family, friends and community. Even those not directly involved may be indirectly affected through fear of being assaulted, reduced cohesion within their community and the financial cost to the community.

Physical harm

To gain an understanding of the extent and degree of harm caused by assaults occurring in public places, three sources of data have been used:

- ambulance attendances;²²
- hospital and emergency department data;²³ and
- an analysis of major trauma assaults requiring hospitalisation.²⁴

Ambulance attendances

In Victoria during the 2008 – 2009 financial year there were 5474 cases where an ambulance was called to assist an assault victim,²⁵ and 534 cases where an ambulance was called to assist a victim of stabbing.²⁶ Further evidence to the Committee by Ambulance Victoria showed that there has been an upward trend in the number of assaults requiring ambulance attendance since 1999 – 2000. However, these data included assaults occurring in both private and public domains. Data was not available specifically for assaults occurring in public places.

Turning Point Alcohol and Drug Centre provided the Committee with an analysis of ambulance attendances for assaults in public places that were alcohol-related. The information below refers to ambulance attendances in metropolitan Melbourne between October 2006 and March 2010 that involved an assault and also involved alcohol or other

²² Evidence of Associate Professor Tony Walker ASM, General Manager–Regional Services, Ambulance Victoria, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Melbourne, 7 October 2009.

²³ Submission from Monash University Accident Research Centre (MUARC) given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, October 2009.

²⁴ Evidence of Professor Peter Cameron, Academic Director of Emergency and Trauma Centre, Alfred Hospital, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Melbourne, 9 November 2009.

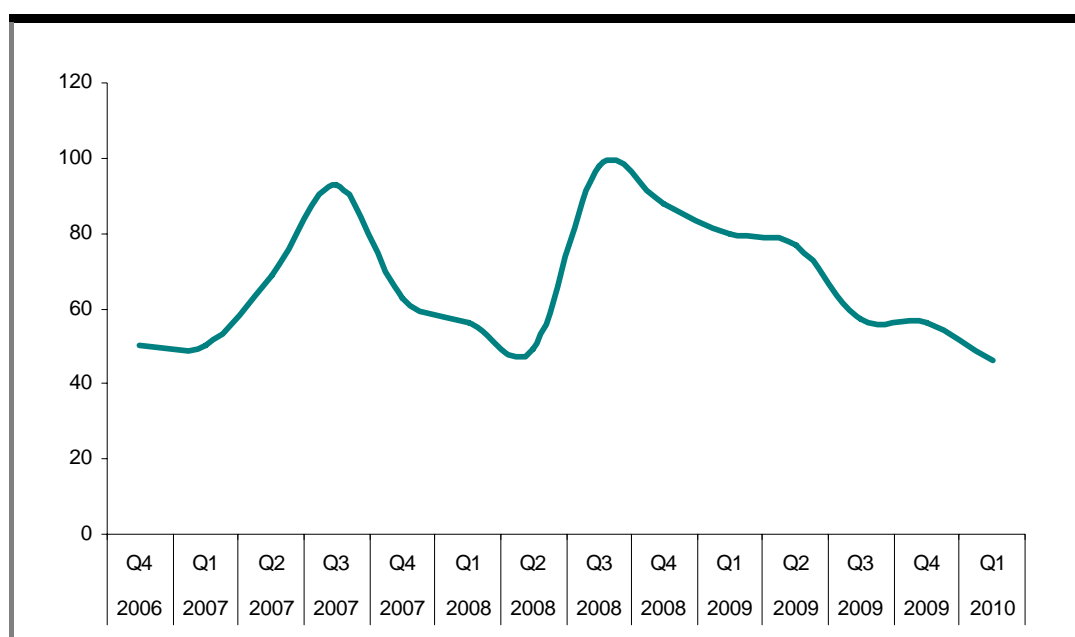
²⁵ Excludes victims of stabbing.

²⁶ Evidence of Associate Professor Tony Walker ASM, General Manager–Regional Services, Ambulance Victoria, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Melbourne, 7 October 2009.

drugs.²⁷ For an attendance to be included in this dataset, the paramedics who attended the case must have (a) recognised that alcohol or drugs were involved and (b) flagged the case as being drug or alcohol related. Given that this flag may not always be used and that it may be difficult to determine whether patients are drug affected, the numbers below will almost certainly be an underestimation of the total number of cases.

The number of recorded ambulance-attended alcohol-related assaults fluctuated between 2006 and 2010 (see Figure 4.1), with a high of 98 in the third quarter of 2008 (July – September), and a low of 46 in the first quarter of 2010 (January – March). There was an average of 66.6 attendances per quarter. Seventy-nine per cent of patients were transported during the October 2006 to March 2010 period, while 21 per cent were not.

Figure 4.1 Ambulance attendances to assault incidences in public places in metropolitan Melbourne involving alcohol (n)



Note: ‘Alcohol affected’ refers to ambulance-attended assaults that involved alcohol. Other drugs may or may not have been involved.

Source: Adapted from data provided by Turning Point on 25 July 2010.

Men were vastly over-represented as victims of assaults in public places, with male patients outnumbering female patients fivefold.²⁸ People in their 20s were also overrepresented (see Table 4.1), with 35 per cent of patients in the 20 – 29 year old age range. The second largest group was patients in their 30s, with 26 per cent in the 30 – 29 year old age range. The smallest groups were people aged 50 – 59 (7 per cent of patients) and aged over 60 (1 per cent of patients).

²⁷ In this case, ‘involvement’ means that either the victim or the offender (or both the victim and offender) were under the influence of alcohol or drugs and that this contributed to the assault.

²⁸ Note that for this data we refer to ‘patients’ rather than victims or offenders. In many cases the patient may be the victim but this may not always be the case. For example, a person may be assaulted, then retaliate and flee the scene. An ambulance may then be called to treat the injuries of the original offender.

Table 4.1 Ambulance attendances to assault incidences in public places in metropolitan Melbourne involving alcohol (number by age)

Year	Age					
	10-19	20-29	30-39	40-49	50-59	60+
2007	42	135	108	74	24	<5
2008	61	160	113	80	28	6
2009	56	147	100	74	35	<5
Total	159	442	321	228	87	11
Percentage	13%	35%	26%	18%	7%	1%

Source: Adapted from data provided by Turning Point on 25 July 2010.

Hospitalisations: Victoria-wide

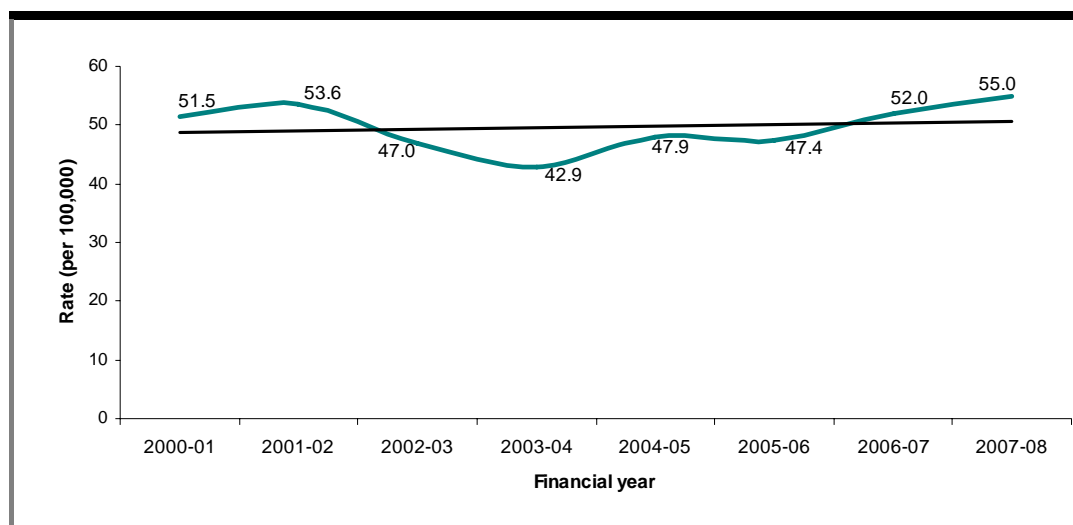
A submission to the Committee by the Monash University Accident Research Centre (MUARC) provided the Committee with detailed data relating to hospital-treated injury due to assaults occurring in public places in Victoria between July 2005 and June 2008.²⁹ The data includes both presentations at emergency wards and hospital admissions across Victoria.³⁰

Rates of hospital admissions for injuries sustained from assaults fluctuated between the financial years of 2000-01 and 2007-08, with a low of 43 per 100,000 in 2003-04 and a high of 55 per 100,000 in 2007-08 (Figure 4.2). There was an overall increasing trend for the frequency of admission, but this increase was only slight.

²⁹ The data does not include victims who (a) were not injured from the assault, (b) deemed their injuries not serious enough to require medical attention, (c) sought medical assistance from a general practitioner rather than a hospital, (d) did not seek medical attention due to fear, access to hospitals, or other limiting factors, or (e) sought medical assistance but did not have the cause of their injuries and/or geographical location of the incident recorded.

³⁰ A report from the Australian Institute of Criminology indicates that 53 per cent of assault victims were injured, and 24 per cent of victims received medical attention for their injuries (Johnson 2005a). Thus, while the statistics relating to hospital admissions are helpful, it must be noted that they reflect less than one-quarter of victims.

Figure 4.2 Rates of admissions at Victorian hospitals for injuries sustained from assaults



Source: Based on Monash University Accident Research Centre data.³¹

Over the three financial years of 2005–2008, there were 19,893 cases in Victoria where victims presented at emergency departments and/or were admitted to hospital due to assaults in public places.³² As shown in Table 4.2, most of these were males aged between 15 and 29. Note that Table 4.2 and Table 4.3 refer to individuals presenting at emergency departments and/or admitted to hospital in Victoria due to assaults in public places.

Table 4.2 Victim profile (July 2005–June 2008, Victorian hospitals)

	Hospital admissions		ED presentations ³³		Total	
	n	%	n	%	n	%
Age						
<0-14	113	3	806	5	919	5
15-29	2,238	57	9,847	62	12,085	61
30-44	1,112	28	3,802	24	4,914	25
45-59	391	10	1,261	8	1,652	8
60+	106	3	217	1	323	2
Sex						
Male	3,557	90	13,448	84	17,005	85
Female	403	10	2,485	16	2,888	15
Total	3,960	100	15,933	100	19,893	100

Source: Based on Monash University Accident Research Centre data.³⁴

³¹ Data from Monash University Accident Research Centre (MUARC) submission to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, October 2009.

³² Submission from Monash University Accident Research Centre (MUARC) to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, October 2009.

³³ Note that because this data is collected in the busy emergency department, detailed data collection is not always achieved. Hence these data may be an underestimate of the true number of cases.

³⁴ Data from Monash University Accident Research Centre (MUARC) submission to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, October 2009.

Although the seriousness of injuries may be difficult to quantify, estimates may be made from the nature of the injury, length of hospital stay, and the victim's level of consciousness. Table 4.3 provides a summary of injuries sustained, including the mechanism and nature of injury, body site of injury, length of hospital stay and where the assault occurred. While 78 per cent of victims were released from hospital within 48 hours, 1 per cent of victims required a hospital stay of over 30 days. Table 4.3 also illustrates the link between assaults and licensed venues, with the most common assault location listed as a 'trade or service area'.

Table 4.3 Profile of injuries sustained (July 2005–2009, Victorian hospitals)

	Hospital admissions		ED presentations		Total	
	n	%	n	%	n	%
Mechanism of injury (most serious)						
Bodily force	2,783	70	10,971	69	13,754	69
Blunt object	423	11	2,236	14	2,659	13
Sharp object	569	14	955	6	1,524	8
Other and unspecified	185	5	1,771	11	1,956	10
Nature of injury (most serious)						
Open wound	897	23	4,800	30	5,697	29
Superficial injury	308	8	3,368	21	3,676	18
Fracture	1,191	30	1,880	12	3,071	15
Intracranial injury	650	16	496	3	1,146	6
Eye injury	94	2	491	3	585	3
Injury to muscle and tendon	66	2	473	3	539	3
Injury to internal organs	120	3	0	0	120	1
Other and unspecified	634	16	4,425	28	5,059	25
Body site injured (most serious)						
Head/face/neck	2,954	75	9,387	59	12,341	62
Upper extremity	417	11	2,491	16	2,908	15
Trunk	359	9	727	5	1,086	5
Lower extremity	148	4	443	3	591	3
Other and unspecified	82	2	2,885	18	2,967	15
Length of hospital stay						
<2 days	3,093	78	not applicable			
2-7 days	671	17				
8-30 days	146	4				
31+ days	50	1				
Total	3,960	100	15,933	100	19893	100

Source: Based on Monash University Accident Research Centre data.³⁵

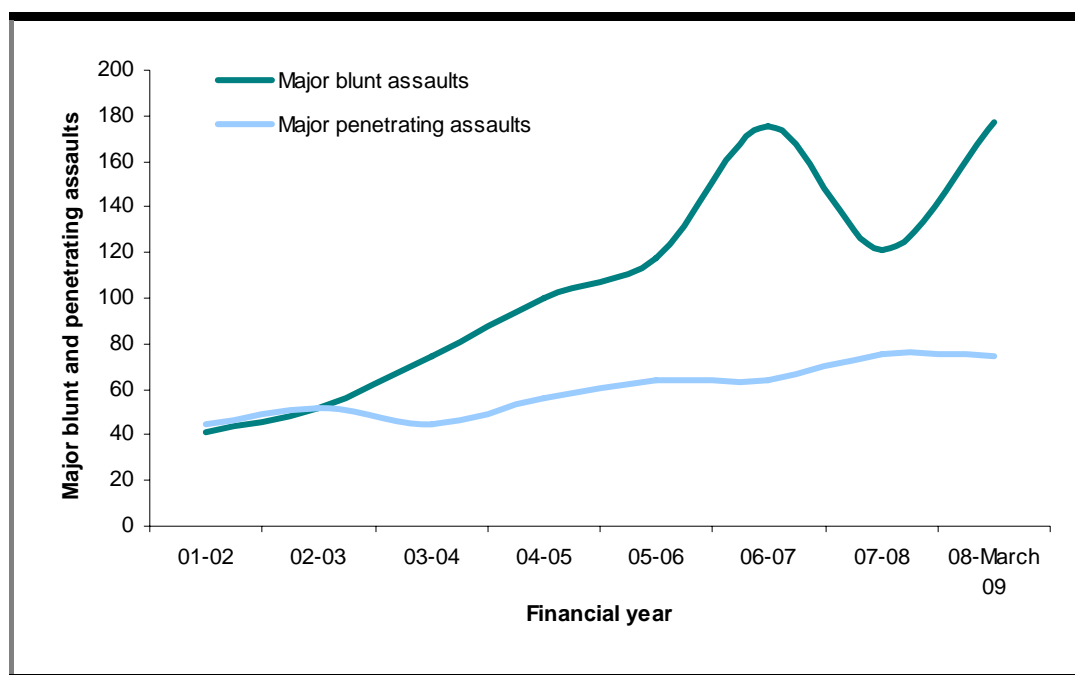
³⁵ Data from Monash University Accident Research Centre (MUARC) submission to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, October 2009.

Hospitalisations: Major trauma

Professor Peter Cameron, Director of Research at the Emergency and Trauma Centre at the Alfred Hospital expressed his concerns to the Committee about the rapid increase in the incidence of penetrating injuries and blunt assaults, as illustrated in Figure 4.3. Blunt injuries include use of fists and feet, in addition to blunt weapons; whilst penetrating injuries are most often caused by knives and other sharp instruments. Professor Cameron stated that although the increase in assaults appears to be associated with alcohol and drug use, this was difficult to confirm as only the victims attend hospital, not the offenders.³⁶

Professor Cameron and colleagues investigated the incidence and outcomes of major trauma assaults within Victoria between July 2001 and June 2007 (O’Mullane et al 2009). They found that the number of assaults resulting in severe injury has risen since the 2001-02 financial year (see Figure 4.3), including major head injury (see Figure 4.4).³⁷

Figure 4.3 Change in blunt and penetrating injuries from 2001–2009 in Victoria

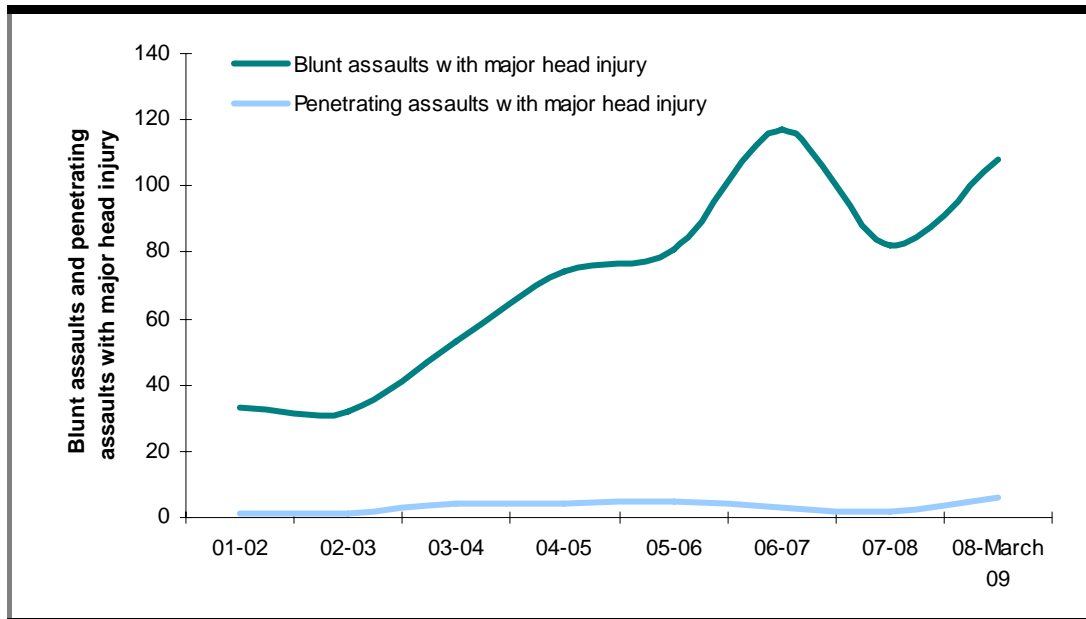


Source: Based on data from Professor Peter Cameron, Alfred Hospital.³⁸

³⁶ Evidence of Professor Peter Cameron, Academic Director of Emergency and Trauma Centre, Alfred Hospital, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Melbourne, 9 November 2009.

³⁷ Although this report does not refer exclusively to assaults in public places, Professor Cameron estimated that these victims represented the vast majority of patients included in the study (Professor Peter Cameron, personal communication, 17 March 2010).

³⁸ Evidence of Professor Peter Cameron, Academic Director of Emergency and Trauma Centre, Alfred Hospital, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Melbourne, 9 November 2009.

Figure 4.4 Incidence of serious head injury from assault

Source: Based on data from Professor Peter Cameron, Alfred Hospital.³⁹

O'Mullane et al also found that major blunt trauma was associated with a greater risk of serious injury than major penetrating assaults, with 82 per cent of blunt trauma and 24 per cent of penetrating trauma patients requiring inpatient rehabilitation (O'Mullane et al 2009).⁴⁰ The authors attributed this 'to the high prevalence of single-system injuries that can be repaired with surgical intervention in cases of penetrating injury' (O'Mullane et al 2009). However, a higher proportion of patients with penetrating trauma (11 per cent) died in hospital compared to those with blunt trauma (5 per cent) (O'Mullane et al 2009).

Victims of assault suffering major trauma were overwhelmingly male (92 per cent) and between the ages of 15 and 34 (58 per cent). Two-thirds of these assaults occurred in metropolitan Melbourne (67 per cent), often on a weekend (42 per cent) and usually between the hours of 9pm and 4am (63 per cent) (O'Mullane et al 2009).

Six months following the assault, only 19 per cent of major trauma victims had made a complete recovery. Fifteen per cent of victims remained in rehabilitation six months after the assault, 41 per cent remained in ICU and 7 per cent died in hospital (O'Mullane et al 2009).⁴¹ Of those returning home, many continued to suffer from a disability, requiring additional support from family or friends, and having a reduced capacity to work, study or participate in social or leisure activities (O'Mullane et al 2009).

³⁹ Evidence of Professor Peter Cameron, Academic Director of Emergency and Trauma Centre, Alfred Hospital, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Melbourne, 9 November 2009.

⁴⁰ Note that this refers exclusively to patients classified as having suffered major trauma, not all victims of assaults in public places. 'Major trauma' was defined as victims who either died due to injury, had an Injury Severity Score >15, required intensive care for longer than 24 hours requiring mechanical ventilation, or required urgent surgery (O'Mullane et al 2009).

⁴¹ Note that this excludes victims who died at the scene of the assault or in transit to the hospital, as these victims would not have been admitted to hospital.

Psychological and emotional impact

Whilst there has been considerable research into the psychological and emotional impacts on victims of sexual assault and assault in the home, there has been very little research focussing on assaults in public places. Further, much of the most recent research in this field was undertaken during the 1990s. The following discussion, therefore, examines the impact of assaults more broadly.

For many victims, the psychological and emotional consequences of assault are felt more severely than the physical effects (Cook et al 1999). Victims are faced not only with the trauma of the event but also with the impact the assault has on his or her perception of self, their community and the criminal justice system. Individuals who once felt secure may become less so when their sense of vulnerability increases, they become aware of limits to the protection society can afford them and aware also of other people's inability to fully comprehend what they are going through (Cook et al 1999). Fischer and Wertz explain that:

Shock and disbelief give way to puzzlement, strangeness, and then to a sense of the crime as perverse, unfair, undeserved. Whether or not expressed immediately, the victim experiences a general inner protest, anger or rage, and a readiness for retaliation, for revenge against the violator (Fischer & Wertz in Community Law Reform Committee (ACT) 1993).

Assault victims may experience numbness or disorientation, denial or disbelief and feelings of loneliness, vulnerability and helplessness soon after the event. They may also suffer from anxiety, sleep disturbances, nightmares and symptoms of physical illness (Cook et al 1999; Department of Justice 2009a). These reactions may persist long after the crime has occurred (Cook et al 1999). Oscillating emotions of fear and anger, sadness and elation, self-pity and guilt may be experienced over time, as well as feelings of loss, rejection, humiliation, agitation, restlessness, anguish, numbness and rage. Assault victims may re-live the event through obsessive thoughts or recurrent dreams, or become fearful of being alone or abandoned (Community Law Reform Committee ACT 1993; Department of Justice 2009).

As life goes on, the victim finds him/herself pervasively attuned to the possibility of victimisation – through a continued sense of reduced agency, of the other as predatory, and of community as inadequately supportive. More particularly, one continues to live the victimisation through recollections of the crime, imagination of even worse outcomes, vigilant suspiciousness of others, sensitivity to news of disorder and crime, criticalness of justice system agents, and desire to make sense of it all (Jarvis in Community Law Reform Committee (ACT) 1993).

Impact on financial security and quality of life

Some victims never recover from the physical effects of the assault, and are unable to return to the workforce or only do so in a very limited capacity. They may also be unable to partake in leisure activities they previously enjoyed. Other victims may be even more restricted. This is particularly the case for victims of assaults with blunt weapons who may remain paralysed or in a vegetative state for the remainder of their lives. (O'Mullane et al 2009).

Impact on family and friends

Family and friends of the victim are often also affected by the assault, either directly or indirectly (Cook et al 1999). A family member or friend is likely to be the first or only person who the victim reports the assault to and seeks support from (Department of Justice 2009b). In addition to concern for their friend or loved one, they may experience some of the psychological and emotional symptoms experienced by the victim, particularly in the case of a serious assault (Cook et al 1999).

In cases where the assault prevents the victim from undertaking paid or unpaid work, immediate family are likely to be impacted at a practical level. If the injured person becomes unable to work, his or her partner or children may be affected through the disruption of routine, increase in responsibility, or lack of financial or social security. Where the victim is the primary or sole caregiver for children, the children may need to be looked after by someone else while the parent or guardian recovers, and may find this separation difficult. They may also be distressed by the crime, especially if the injured parent or guardian shows distress (Cook et al 1999). Further, when a young person becomes a victim of assault, his parents may be severely impacted in a practical, financial and psychological sense. This is particularly the case if the victim receives severe injuries.

The Committee received evidence from the advocacy group Step Back Think. This group was formed by friends of James Macready-Bryan, a young man who suffered severe brain injuries as a result of being assaulted in Melbourne. Initially formed as a support group for James and his family, Step Back Think has expanded its role to promote safety on the streets. It does this by discouraging the use of violence as a response to confronting or provocative situations. It also encourages young people to protect and look out for their friends by defusing situations where confrontation could otherwise lead to violence.

The President of Stop Back Think, Mr Jono Chase in giving evidence to the Committee, impressed upon the Committee the significance of losing a family member or close friend in situations like that of James Macready-Bryan.⁴²

Impact on community

The community is impacted by assaults in public places in many ways, most notably by increasing fear of violence across the community. This fear can have numerous effects, including alterations to behaviour, restricted freedoms, reduced community cohesion, and potentially a decreased quality of life for some people. Individuals in minority groups may be particularly affected, as fear of crime increases marginalisation and reduces trust within the community. Further, assaults in public places have pervasive financial impacts on resources within the private, community and government sectors.

⁴² Evidence of Mr Jono Chase, President, Step Back Think, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Melbourne, 8 October 2009.

Fear of assault

Recent research indicates that most Victorians feel safe in their local area, with 72 per cent of Australians feeling safe or very safe walking alone in the neighbourhood at night (Johnson 2005a), and 86 per cent of Melbourne tertiary students feeling that Melbourne is a safe place to live (Babacan et al 2010).

Notwithstanding this research, the Committee received evidence that many Victorians do not feel safe.⁴³ Several factors contributed to this: a belief within the community that overall crime rates have risen (Lawrence 2005), an increase in the number and severity of assaults, and the increased media reporting of these incidents.⁴⁴

Research suggests, however, that most Australians overestimate the risk of becoming victims of crime (Weatherburn, Matka & Lind 1996). Community surveys and academic analysis have also found only a limited correlation between fear and risk of victimisation (House of Representatives Standing Committee on Legal and Constitutional Affairs 2004; Australian Bureau of Statistics (ABS) 2007).

Irrespective of whether or not the fear reflects actual risk, fear of crime including assaults can have several detrimental outcomes on individuals and the community in general. First, fear limits personal freedoms. If individuals feel unsafe in public places they may avoid particular areas, especially at night, and sacrifice activities they enjoy, thus adversely affecting their quality of life (Johnson 1996 in Johnson 2005a; Hale 1996 in Tulloch et al 1998). Further, research shows that where a parent is particularly fearful his or her children are at greater risk of also becoming fearful (Tulloch et al 1998). Hence, parental over-protectiveness due to fear can undermine a child's ability to become a competent and coping adult (Tulloch et al 1998).

Secondly, if members of the public avoid particular public spaces due to fear of assault, the natural surveillance decreases and crime rates may increase in these areas. Thirdly, fear of crime may lead to an increase in unnecessary security measures being undertaken by individuals. This may include physical precautions such as building high walls, installing security cameras and employing security guards. This not only incurs a financial cost to individuals, but also creates the impression that the community is indeed dangerous, thus further increasing fear. Fourthly, fear of crime can be detrimental for businesses in areas that are perceived to be dangerous.⁴⁵

⁴³ Submissions from Frankston City Council (October 2009), Yarra City Council (October 2009) and Brimbank City Council (November 2009), to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person; Evidence of Ms Karin Hann, Executive Officer, Frankston Business Chamber, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Frankston, 26 October 2009; Evidence of Ms Carolyn Barrie, Director Community Wellbeing, City of Ballarat, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Ballarat, 28 October 2009.

⁴⁴ See Chapter 2.

⁴⁵ Evidence of Mr Brian Kearney, Chief Executive Officer, Australian Hotels Association – Victoria, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Melbourne, 8 October 2009. Evidence of Karin Hann, Executive Officer, Frankston Business Chamber, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, 26 October 2009.

Finally, the Committee received evidence that fear of crime may actually increase aggression:

Young people especially are walking around the city from place to place and there is the element of fear. This is where the increased profile of the issue is having a negative effect: people are afraid to some extent and some young people's defences to being afraid are to attack or to be slightly more aggressive or be on guard all the time. It is the opposite to what we really want to happen.⁴⁶

Respondents to the Inquiry emphasised the importance of implementing strategies to reduce fear of crime.⁴⁷ Some local councils are already addressing this fear by introducing programs specifically targeting perceptions of safety,⁴⁸ for example the City of Melbourne's implementation of its 24 Hour City Policy.

Community cohesion

Community cohesion and crime rates are inversely correlated, with high-crime areas tending to include neighbourhoods with low levels of interaction and trust, coupled with high levels of disorder (Snell 2001 in Babacan et al 2010). Similarly, there is a direct correlation between socially cohesive communities and a reduced crime rate (Bursik & Grasmick 1993 and Sampson, Raudenbush et al 1997 in Babacan et al 2010).

As the fear of being assaulted causes individuals to become more cautious and vigilant, community members may become increasingly distrustful of each other. This isolates people and erodes community confidence and connection,⁴⁹ negatively impacting social relationships, social support and community spirit. Although the sense of community cohesion, goodwill and trust may be somewhat intangible, these can have a positive effect on the happiness and perceptions of individuals within the community. This positive effect may be compromised by fear of crime.

Individuals within minority groups can be particularly affected by a sense of community cohesion. For example, assault victims from within migrant communities may feel that the assault was an attack not only on him or her but also on his or her race or ancestry (Babacan et al 2010). This can cause cultural groups within the community to remain or become more isolated from mainstream society. In this way racial violence, or perceptions of it, can create a climate of apprehension and fear that may curtail the activities and

⁴⁶ Evidence of Mr Jono Chase, President, Step Back Think, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Melbourne, 8 October 2009.

⁴⁷ Evidence of Mr David Thorsen, Director, Organisational Culture and Communication, Chisholm TAFE; Inspector Caroline West, PSA Manager, Dandenong, Victoria Police; and Mr Mark Doubleday, Director, Community Services, City of Greater Dandenong, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Springvale, 26 October 2009. Evidence also of Mr Mark Power, A/g Senior Project Officer, Drugs and Alcohol Action Plan and City Safety, Melbourne City Council, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Melbourne, 7 October 2009.

⁴⁸ Evidence of Ms Colleen Lazenby, Manager, Community Safety and Wellbeing, City of Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Melbourne, 7 October 2009.

⁴⁹ Submission from Brimbank City Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, November 2009.

aspirations and affect the mental health and wellbeing of others within the minority group.⁵⁰ As Babacan et al (2010), in reference to international students, explain:

The individualised pain and trauma that characteristically accompanies traditional forms of street crime is further exacerbated by the collective basis of the crime. Not only is the individual stigmatised on the basis of their social group membership, but, by logical extension, the social group is emotionally harmed (Babacan et al 2010, p.34).

Over-policing

An unfortunate consequence of fear of crime is that some members of the public and the police force view particular groups as more problematic than others, or more likely to become offenders, which can give rise to these groups feeling that police are targeting them. Evidence suggested that such groups are most likely to be young men, particularly culturally and linguistically diverse (CALD) young men, and Indigenous people.

Youthlaw⁵¹ and the City of Frankston⁵² reported that many young people believe police are targeting them. Most often this is in the context of police asking young people to ‘move on’ without a valid reason, or police officers presuming young people have malicious intent when they are merely spending time with friends. However, not all young people in Frankston felt this way. A recent research project undertaken by Youthlaw found that many young people in Frankston believed there was an insufficient police presence.⁵³

Although statistics are not available for Victoria, a New South Wales investigation found that 79 per cent of all move-on directives were issued to people under 17 years, with a 16-year-old 19 times more likely to be moved on than a 36-year-old.⁵⁴ The report concluded that 50 per cent of directions were issued without a valid reason, and that move-on directions were issued to young people on the basis of who they were, rather than what they were doing.⁵⁵

A national study of young people’s use of public space found that Indigenous and CALD young people are more likely than other groups of young people to be stopped by the police for questioning.⁵⁶ For young recently arrived refugee and migrant people this may be partly because they are more likely to congregate in public spaces due to a lack of space at

⁵⁰ Submission from VicHealth to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, October 2009.

⁵¹ Submission from Youthlaw to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, October 2009.

⁵² Submission from Frankston City Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, October 2009.

⁵³ Evidence of Ms Tiffany Overall, Advocacy and Human Rights Officer, Youthlaw, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Melbourne, 8 October 2009. See also Chapter 10.

⁵⁴ NSW Ombudsman, *Policing Public Safety*, 1999, cited in submission from Youthlaw to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, October 2009.

⁵⁵ NSW Ombudsman, *Policing Public Safety*, 1999, cited in submission from Youthlaw to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, October 2009.

⁵⁶ National Crime Prevention 1999, *Hanging out: Negotiating young people’s use of public space*, (Attorney-General’s Department, Canberra) cited in submission from Centre for Multicultural Youth and the Youth Affairs Council of Victoria to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, November 2009.

home for socialising, or limited money for entertainment.⁵⁷ Sometimes police officers or members of the public may also misunderstand cultural differences between themselves and others. This can lead people to view particular behaviours as antisocial or deviant when this is not the case. Ms Wesa Chau⁵⁸ explained to the Committee:

Some African young people might hang around in a group, and to them that is normal; that is what they do back in Africa. But they can be regarded as gangsters or that they do not know what they are doing. They are probably new to the community as well so people are not quite used to them.⁵⁹

Ms Greta Clarke, Executive Officer at the Victorian Aboriginal Legal Service, explained how Aboriginal people can be over-policed. She said that ‘Aboriginal people use public space as cultural space’ and that non-Indigenous Victorians may not understand the importance of this space to Indigenous people.⁶⁰ Tensions may arise when police investigate these public gatherings and in the confrontation that often ensues ‘charges are laid because of, say, offensive language occurring or resisting arrest or assault on police’.⁶¹

Financial costs

Although the exact financial cost of assaults occurring in public places is difficult to calculate, it is estimated to be significant. The financial cost of crime can be divided into three categories: costs in anticipation of crime, costs as a consequence of crime, and costs in response to crime (Mayhew 2003).

Costs in anticipation of crime

In the context of assaults in public places, the costs incurred may include:

- local government assault prevention programs, such as the installation and monitoring of CCTV cameras to reduce fear of assault and assist in identifying perpetrators;
- state government implementing crime prevention initiatives, such as increased numbers of police patrols; and
- individuals taking precautionary actions such as increased expenditure on petrol so as to avoid walking or using public transport.

⁵⁷ Evidence of Ms Helen Yandell, Director and Principal Solicitor, Springvale Monash Legal Service, Public Hearing, Melbourne, 8 October 2009; Submission from Centre for Multicultural Youth and the Youth Affairs Council of Victoria to the Drugs and Crime Prevention Committee to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, November 2009.

⁵⁸ Although Ms Wesa Chau gave evidence to the Committee as a representative of the Australian Federation of International Students, Ms Chau also works in numerous other capacities, such as with the Ethnic Communities Council of Victoria.

⁵⁹ Evidence of Ms Wesa Chau, Honorary President, Australian Federation of International Students, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Melbourne, 7 October 2009.

⁶⁰ Evidence of Ms Greta Clarke, Executive Officer – Research, Planning and Development Unit, Victorian Aboriginal Legal Service, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Melbourne, 8 October 2009.

⁶¹ Evidence of Ms Greta Clarke, Executive Officer – Research, Planning and Development Unit, Victorian Aboriginal Legal Service, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Melbourne, 8 October 2009.

Although many of these methods are used to reduce or avoid a range of crimes, not only assaults, the recent community focus on assaults in public places has significantly contributed to decisions to implement new or improved programs and strategies.⁶²

Costs associated with the consequence of crime

The costs associated with assaults include:

- lost output by the victim in the workforce and in volunteer roles (loss of human capital),
- cost of medical services for the victim
- cost of victim support services for the victim
- cost of mental health services for the victim
- injury compensation for the victim
- lost earnings of offenders who become prisoners; and
- reduced investment in high crime areas (Mayhew 2003).

The magnitude of these costs will be primarily dependent on the physical and emotional harm caused by the assault.

Costs in response to crime

There are also likely to be costs associated with the response to a crime, particularly if the crime is reported. These may include policing costs, prosecution costs, court administration costs, and costs associated with the imprisonment of the offender (Mayhew 2003).

Estimating financial cost

Whilst there has not been research that specifically assesses the financial cost of assaults in public places in Victoria, an analysis of national data undertaken by the Australian Institute of Criminology (AIC) in 2005 estimated the average financial cost of assault in Australia to be \$1695 per assault (Rolling 2005).⁶³ Table 4.4 below shows the financial costs incurred for assaults in Australia in 2005. The cost of each assault varies greatly depending on the physical injury sustained.

⁶² Evidence of Mr Mark Doubleday, Director, Community Services, Ms Kara Dunn, Team Leader, Community Development, and Mr John Bennie, Chief Executive Officer, City of Greater Dandenong; Mr David Thorsen, Director, Organisational Culture and Communication, Chisholm TAFE, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Springvale, 26 October 2009.

⁶³ The calculations made by the AIC include medical costs, lost output (human capital loss), and loss of quality of life but excludes medical expenses outside hospitals, lost productivity of prisoners, and the impact of crime rates on local businesses or real estate.

The analysis used data obtained from the *ABS Crime and Safety Survey 2005* (in which approximately 35,000 households were surveyed each month), the *ABS Personal Safety Survey 2005* (22,751 individuals surveyed), and ABS recorded crime during 2005 and 2004.

Table 4.4 Financial cost of assault in Australia in 2005

	Average cost per incident (\$)	Assault victims per year (thousands)	Total cost (\$ m)
Hospitalised	16,000	21	343
Injured – not hospitalised	4,800	172	823
Not injured	380	639	245
All assaults	1,695	832	1,411

Source: Adapted from Rollings 2005, 'Counting the costs of crime in Australia: A 2005 update', Australian Institute of Criminology Research and Public Policy Series, no. 91, Canberra.

In addition to the financial costs outlined above, there may also be specific financial costs related to assaults that are, or are perceived to be, racially motivated. For example, the recent assaults on Indian students have had considerable impact on how Australia, and particularly Melbourne, is regarded by people in India and the international community generally (Babacan et al 2010).

Approximately one in four adult students in Australia are international students, the highest proportion of any nation in the Organisation for Economic Co-operation and Development (Deumert et al 2005). In Victoria, the most common countries of origin for international students are India and China, and a greater number of Indian students study in Victoria than in other Australian state (Babacan et al 2005). In June 2009, there were 144,034 international students in Victoria, spending an average of \$17,500 on fees, excluding money spent in Australia on living, transport or leisure costs (Babacan et al 2010). These fees comprise a significant proportion of Victorian university revenues. Given that one of the most common reasons for international students choosing Australia as their host country was because it is a 'safe place to live' (City of Melbourne 2008), threats or perceived threats to international student safety may have a noticeable effect on enrolments by international students.

The financial effect that concern for students' safety might have on the international student market may not be known for some time. However, this could be substantial. The considerable media coverage of the assaults may also have had a negative impact on tourism and/or general international trade.

Conclusion

Assaults on individuals in public places do have a range of physical, emotional and/or financial impacts. They may also have a 'ripple effect' on families and the community generally, affecting lifestyles, freedoms, commercial enterprises and government institutions.

Recommendation

The Committee recommends that the Victorian Government commission research projects into the experience and impact of assaults on victims.
(Recommendation 30)

5. The Impact of Assaults on Vulnerable Groups

Introduction

Within the community there are particular groups of people who are at greater risk of being assaulted in public places than others. These include young men, homeless people, Indigenous people, same-sex attracted people, and people working in particular occupations. Where an individual fits two or more of these groups, the risk is increased further (Johnson 2005a). There are also groups who perceive themselves to be at risk when they are not.

Groups in the general community more likely to be assaulted

Young men

The Committee received evidence that those most likely to be victims of assaults in public places are young men (for example, see Victoria Police 2010a).⁶⁴ In 2008, 15 to 24 year-olds comprised 28.4 per cent of reported assault victims,⁶⁵ despite accounting for only 14.1 per cent of the Victorian population (Australian Bureau of Statistics (ABS) 2009). Data from the Monash University Accident Research Centre (MUARC) showed that between July 2005 and June 2008 males comprised 90 per cent of victims attending hospital due to injuries sustained from assaults in public places, with 57 per cent aged between 15 and 29.⁶⁶

Among young people there are particular variables that further increase the risk of assault. These include:

- previous victimisation (Johnson 2005a)
- particular personality types, including the tendency to be impulsive, excitement-seeking, risk-taking and quick to anger (Department of Justice 2009b)
- association with a peer group that is disconnected from the mainstream and is involved in antisocial or criminal activities (Department of Justice 2009b); and
- social or economic disadvantage, or living in a disadvantaged neighbourhood (Department of Justice 2009b).

⁶⁴ Submission from Monash University Accident Research Centre (MUARC) to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, October 2009; See also: Evidence of Associate Professor Tony Walker ASM, General Manager – Regional Services, Ambulance Victoria, and Ms Nancy Pierorazio, Senior Policy Officer, City of Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Melbourne, 7 October 2009.

⁶⁵ This is likely to be an underestimation as young people are less likely than older adults to report victimisation (Department of Justice 2009b).

⁶⁶ Submission from MUARC to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, October 2009.

The comparatively high rate of assault experienced by young men is closely linked to time spent away from home during evenings (Johnson 2005a), and young people's drinking patterns (Makkai 1997).⁶⁷ A previous Inquiry by the Drugs and Crime Prevention Committee (2006) found that young adults are more likely than older adults to drink alcohol to harmful levels or drink with the explicit intention of getting drunk.⁶⁸

In addition to this high risk, young people may be more vulnerable to the psychological or emotional impacts of assault than older adults. Young people are 'at a crucial transition stage in their personal lives' (Department of Justice 2009b, p.14), and victimisation 'can have a profound and lasting impact' (p.14). When a young person becomes a victim, he or she can develop an identity as a victim, which may become a major part of their adult identity (Whitman & Joyce 2005). Some young people will feel or identify as weak or vulnerable, while others may become 'tough' or 'strong' (Whitman & Joyce 2005). This 'toughness' may be used in a constructive way, for example, a victim may become involved in victim advocacy or victim support measures. Conversely, the experience of being a victim may cause the victim to become violent towards others (Whitman & Joyce 2005).

People who are victimised at a young age are also more likely to have higher levels of truancy and a greater number of negative contacts with teachers (Rigby 2000 in Wordes & Nunez 2002), leading to difficulties with academic performance at school (Fagan 1997 and Boney-McCoy & Finkelhor 1995 in Wordes & Nunez 2002). This impact on education may adversely affect career prospects and earning potential later in life (MacMillan 2000 in Wordes & Nunez 2002).

Clearly providing emotional and material support may reduce the negative impacts of assault and violence on victims. However, in the case of young men particularly, the benefits of such support may not be realised as young men are less likely to support such assaults (Department of Justice 2009b). The reasons for this include:

- The victim may be fearful of retaliation by the offender.⁶⁹
- The offender may be a friend of the victim and so the victim may not want to report him (Department of Justice 2009b).
- The victim may fear he will not be believed (Whitman & Joyce 2005).
- The victim may assume the police will hold him responsible, especially where the police already know him as an offender.⁷⁰

⁶⁷ Interestingly, a later study by the Australian Institute of Criminology (AIC) found that drinking patterns were not significantly associated with risk of alcohol-related violence: 'Persons who usually drank more than 6 standard drinks on a drinking occasion, persons who drank more than 6 standard drinks at least twice a week, and persons who drank daily, were not at significantly greater risks of alcohol-related victimisation than persons whose drinking patterns were more modest' (Teece & Williams 2000, pp.4-5). However, other variables associated with alcohol did affect risk of assault. For example, drinking alcohol rather than abstaining, beginning to drink at a younger age, and being more likely to drink in a public place than in the home (Teece & Williams 2000).

⁶⁸ Details of Victorian drinking patterns and their associated risks are discussed in the Committee's report on Strategies to Reduce Harmful Alcohol Consumption (Drugs and Crime Prevention Committee 2006).

⁶⁹ Submission from Youthlaw to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, October 2009.

⁷⁰ Submission from Youthlaw to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, October 2009.

- The victim may be distrustful of the police due to previous negative encounters.⁷¹
- The victim may not recognise the assault as a crime. For example, Wilson, Sharp and Patterson (2006) found that only 16 per cent of assault victims aged 10 to 15, and 50 per cent of assault victims aged 16 to 25 believed the assault was a crime, with the majority of the younger victims seeing it as ‘wrong but not a crime’ or just ‘something that happens’.⁷²
- Young victims may feel marginalised and perceive the community not to care about them.⁷³ They may therefore believe reporting to be unhelpful.

Instead of seeking assistance from support services, young people are more likely to seek support from their peers (Department of Justice 2009b). In some cases this may be helpful, but in other cases the victim may be ostracised by their peers, particularly if the offender is part of the peer group (Whitman & Joyce 2005). This can cause further marginalisation and place the victim at additional risk of engaging in antisocial activities (Department of Justice 2009b).

Indigenous people

Although little information is available relating specifically to recent assaults on Indigenous people in public places in Victoria, it is clear that generally Indigenous Australians are at increased risk of assault. A national study by the Australian Institute of Criminology (AIC) reported that Indigenous people are victimised at two or three times the rate of non-Indigenous people (Bryant & Willis 2008). Further, the Steering Committee for the Review of Government Service Provision (2009) revealed that in Australia, Indigenous people are 11.1 times more likely to be hospitalised for assault than non-Indigenous people.⁷⁴ Patterns of assault on Indigenous people differ somewhat from those of non-Indigenous people – Indigenous victims are more likely to know their victims and a greater proportion of assaults involve the use of weapons (Bryant & Willis 2008).

Although Indigenous people are less likely to feel safe than other Australians (Johnson 2005a), this may not be primarily because of fear of assaults in public places, but may be linked to continued marginalisation⁷⁵ and violence more broadly (Tulloch et al 1998). Indigenous people may also be less aware of their legal entitlements (Community Law Reform Committee (ACT) 1993) and therefore get less support. Further, Indigenous people who have been assaulted may be less likely than other Australians to see themselves as victims⁷⁶ and instead perceive violence in Indigenous communities to be a consequence of

⁷¹ Evidence of Ms Belinda Lo, Legal Projects Officer, Fitzroy Legal Service, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Melbourne, 8 October 2009.

⁷² Perception of crime has also been found to be affected by drinking patterns of men. A report released by the AIC last year revealed that ‘[men] who reported getting drunk regularly [were] less inclined to perceive their most recent assault as a crime’ (Clare & Morgan 2009, p.4). Assaults in licensed premises were also less likely to be perceived as criminal than assaults in other settings.

⁷³ Submission from Youthlaw to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, October 2009; Evidence of Ms Tiffany Overall, Advocacy and Human Rights Officer, Youthlaw, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Melbourne, 8 October 2009.

⁷⁴ Based on age standardised hospitalisation rates for potentially preventable chronic conditions, per 1000 people in NSW, Victoria, Queensland, WA, SA and public hospitals in the NT, 2006–07.

⁷⁵ Submission by the Victorian Aboriginal Legal Service (VALS) to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, November 2009.

⁷⁶ Submission from VALS to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, November 2009.

transgenerational trauma from colonisation and erosion of the male role in Aboriginal and Torres Strait Islander society.⁷⁷

Homeless people

The Committee received considerable anecdotal evidence suggesting that homeless Victorians are at risk of assaults in public places.⁷⁸ However, little recent research has been undertaken to quantify the degree of risk. A study of homeless teenagers (under 18 years) conducted in Melbourne in 1989 found that 86 per cent of teenagers surveyed had been physically hurt since leaving home (96 per cent of males, 74 per cent of females), and that 65 per cent reported being physically assaulted in the preceding 12 months (74 per cent of males, 53 per cent of females) (Adler et al 1989).⁷⁹ In 40 per cent of these violent incidents the offender was a stranger, and 72 per cent of all those surveyed had been assaulted by a stranger at least once (Adler et al 1989). Some incidents resulted from mutual aggression and some were unprovoked (Adler et al 1989).

Most instances of physical violence towards homeless people occurred in public places such as on the street or at a railway station (Adler et al 1989). Eighty per cent of violent incidences were never reported (Adler et al 1989). Often this was because the victims thought they would not be believed or because they feared the offender would seek retribution.⁸⁰

Same-sex attracted people

Little empirical research has been undertaken regarding street violence perpetrated on same-sex attracted (SSA) people. Anecdotal evidence and the research that has been undertaken, however, indicates that SSA people are at risk of heterosexist violence, causing them to be fearful and to modify their behaviour (Hillier et al 2004; Leonard et al 2008).⁸¹

A recent survey of SSA people in Melbourne found they are at greater risk of assault than the general population, with 20.5 per cent reporting they had been physically assaulted without a weapon (6.4 per cent in the preceding two years), and 7.4 per cent reporting they had been physically assaulted with a weapon (7.4 per cent in the preceding two years) (Leonard et al 2008). Sixty-four percent of these assaults occurred in public places (Leonard et al 2008).

⁷⁷ Submission from VALS to the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Reduce Crime Against the Person*, November 2009.

⁷⁸ Submission from Youthlaw to the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Reduce Crime Against the Person*, October 2009; Evidence of Mr Geoff Cumming, Manager Compliance and Safety, Frankston City Council, given to the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Reduce Crime Against the Person*, Public Hearing, Frankston, 26 October 2009; Evidence of Dr Jaycen Cruikshank, Director, Emergency Medicine, Ballarat Health Services, given to the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Reduce Crime Against the Person*, Public Hearing, Ballarat, 28 October 2009.

⁷⁹ Similar findings were made by Hatty (1997) in her study of young homeless women in Sydney.

⁸⁰ Submission from Youthlaw to the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Reduce Crime Against the Person*, October 2009.

⁸¹ Jesuit Social Services also provided evidence to the Committee of community members being fearful of homophobic assault. (Submission from Jesuit Social Services to the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Reduce Crime Against the Person*, November 2009).

A research project focussing on safety and hostility at and around gay and lesbian public events across Australia found that 38 per cent of the 332 people interviewed intentionally alter their appearance or behaviour to appear heterosexual in order to reduce their risk of assault (Tomsen & Markwell 2009). Further, 33 per cent of respondents who were victims of public violence believed they had been victimised because their dress or behaviour suggested they were not heterosexual (Tomsen & Markwell 2009).

Only 30 per cent of SSA victims reported the crimes to formal bodies, and of these reports many were not made to the police, as assault victims did not believe the violence would be taken seriously. Instead, many victims chose to make reports to organisations they believed to be more sensitive to the needs of gay, lesbian, bisexual and transgender people, such as the Victorian Equal Opportunity and Human Rights Commission (Leonard et al 2008).

Groups perceived to be at risk

Within the community generally, there is an inconsistency between people perceived to be at risk of being assaulted and those who are statistically at risk. While the groups discussed above are vulnerable in the sense that they are more likely than others to be assaulted, other groups may be vulnerable for different reasons.

Women and elderly people are often perceived by the community to be at higher risk of assaults in public places, when in fact they are not. However, because of this perception, and because women and elderly people feel less able than young men to physically resist an attack, people within these groups feel vulnerable to attack.

Women

Women are perceived by themselves and others to be vulnerable to assault (Johnson 2005b) despite the fact that they are less likely than men to be assaulted in public places.⁸² This fear inhibits women's agency and freedom to pursue interests or activities that involve, for example, travelling alone at night or frequenting areas they perceive to be high-risk. While men are likely to increase their sense of safety by employing physical security strategies, women are more likely to modify their behaviour or use avoidance strategies to feel safe (Nikolic-Ristanovic 1995 in Tulloch et al 1998).

Older people

Similarly, older people are also fearful of being assaulted in public places (Johnson 2005a) but statistically their risk level is very low (Victoria Police 2010a), as they are less likely than other groups to be outside the home at night and to interact with potential offenders (Tulloch et al 1998).⁸³ However, if an older person is assaulted, they are at greater risk of hospitalisation or death following assault (Johnson 2005a; Bachman & Meloy 2008). Older people are therefore concerned about their ability to recover following victimisation, and so become fearful (AIC 2005), which can have an adverse effect on their quality of life (James 1992).

⁸² Women are, however, at much higher risk of sexual assault than men (Victoria Police 2010a).

⁸³ For example, elderly people are less likely than young people to spend time in the company of others who are at risk of offending, and are also less likely to be in locations where assaults are most likely to occur, such as in or around licensed venues late at night.

Groups at risk of assaults in the workplace

There is an increased risk of assault in public places for people working in particular professions. Those at greater risk include taxi drivers, police officers, security staff,⁸⁴ medical staff (including paramedics)⁸⁵ and people working late at night.⁸⁶ Ten per cent of victims attending Victorian emergency departments for assault injuries were engaged in paid work at the time of the assault.⁸⁷

Taxi drivers

Taxi drivers in Australia have up to 15 times the average exposure to occupational violence (Chappell 2000 in Mayhew 2000a). A study using a questionnaire posted to all taxi drivers in Victoria found that of the 21 per cent who responded, 40 per cent reported being assaulted in the previous 12 months (Mayhew 2000a). Taxi drivers may be seen to be easy targets because they work alone, are unprotected, accept passengers whose attitudes to violence are unknown, and carry cash (Mayhew 2000a).

Additional risk factors for taxi drivers include:

- working in high-risk pick-up suburbs including inner city and low-income areas;
- working in the evening or at night;
- transporting intoxicated young male passengers, or passengers with limited funds;
- extended waiting times at ranks;
- originating from the Middle East or southern Asia or having difficulty speaking fluent English; and
- having inadequate knowledge of local area (Mayhew 2000a).

When taxi drivers are assaulted, the most common injuries they receive are cuts or bruises, usually from fists, although some offenders use a knife, gun, stick or syringe (see Figures 5.1 and 5.2).

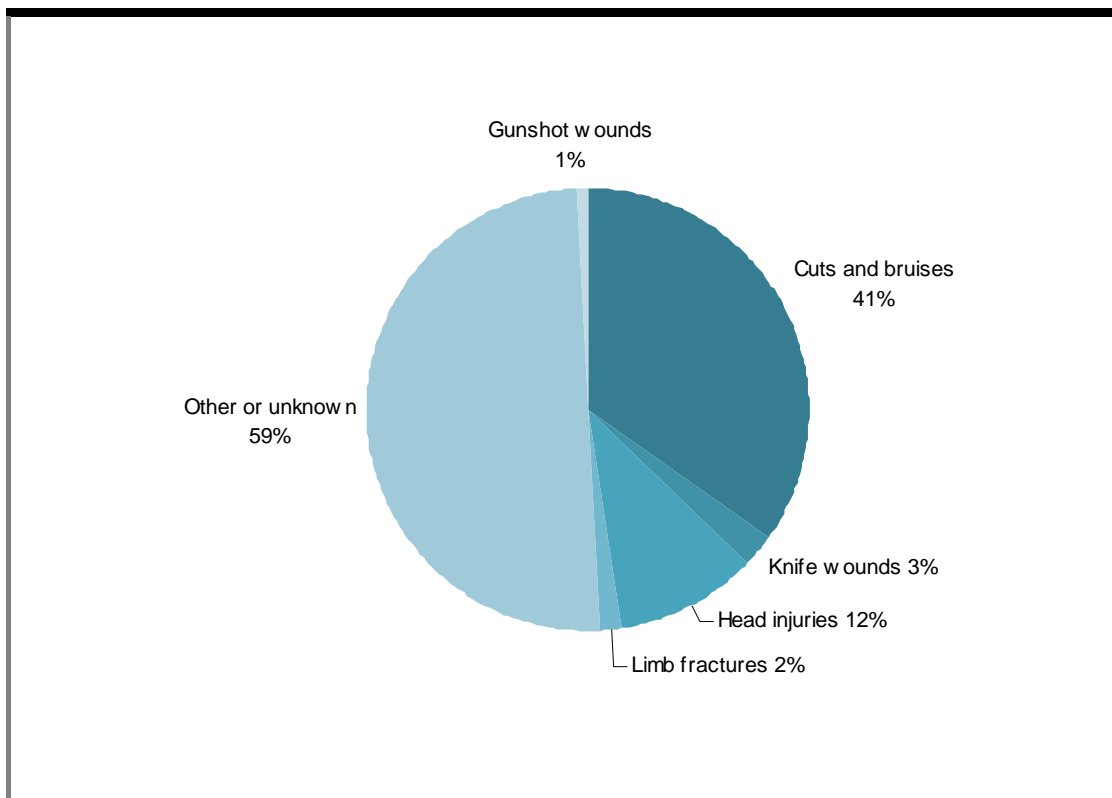
⁸⁴ Submission from the Australian Security Industry Association Ltd. to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, October 2009.

⁸⁵ Evidence of Associate Professor Tony Walker ASM, General Manager–Regional Services, Ambulance Victoria, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Melbourne, 7 October 2009; Evidence of Dr Leong Goh, Clinical Director, Emergency Medicine, Peninsula Health, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Frankston, 26 October 2009.

⁸⁶ Information provided by MUARC at the request of the Drugs and Crime Prevention Committee, 6 May 2010.

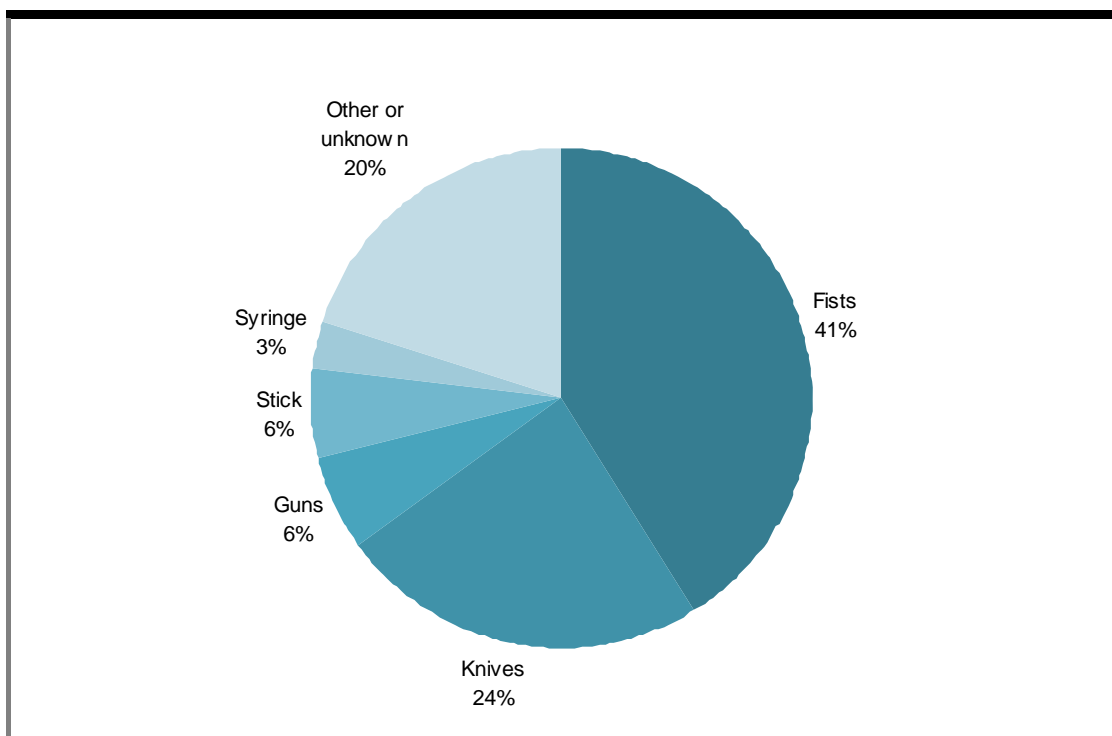
⁸⁷ Information provided by MUARC at the request of the Drugs and Crime Prevention Committee, 6 May 2010.

Figure 5.1 Assault injuries for Victorian taxi drivers



Source: Mayhew 2000a, p.4.

Figure 5.2 Weapons used during assaults on Victorian taxi drivers



Source: Mayhew 2000a, p.4.

Concern for the physical safety of taxi drivers has prompted the Victorian Taxi Directorate to implement a range of strategies to reduce the incidence of assaults.⁸⁸ These include safety screens, emergency communication systems, emergency lights and duress alarms, security cameras, air bags to restrain passengers, further training and the refusal of high-risk passengers (Mayhew 2000a).⁸⁹

It is important to note, despite their frequent victimisation, only 13 per cent of Victorian taxi drivers report assaults to the police (Mayhew 2000a).⁹⁰ Reasons for this have been attributed to perceived police inaction, time demands to report, unknown offender whereabouts, fear the driver will be blamed, not wanting to be involved, believing the assault was not serious enough and apathy (Mayhew 2000a).

Security staff and police

The Committee also received evidence that police officers and security staff are at high risk of workplace assault, especially security staff working in licensed venues.⁹¹ For example, 76 assault victims presenting at Victorian emergency departments between July 2005 and June 2008 were police officers recorded as being on duty at the time of the assault.⁹²

During the same period, 117 victims presenting at Victorian emergency departments were security guards, crowd controllers or ‘bouncers’, who were recorded as working at the time of the assault.⁹³ Mr Bryan de Caires, CEO of the Australian Security Industry Association, spoke to the Committee about his concern for security staff across Australia, given the formal limitations of their powers and the frequency with which they are required to manage intoxicated patrons. Mr de Caires described security staff as on the ‘front line of the actual fight against people with alcohol and drugs’.⁹⁴

⁸⁸ Submission from Victorian Taxi Directorate to the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Reduce Crime Against the Person*, October 2009.

⁸⁹ For a discussion of these strategies see Mayhew 2000b.

⁹⁰ Professor Peter Cameron raised this issue when he spoke to the Committee about a taxi driver who had been assaulted, receiving life-threatening injuries, but did not seek assistance due to threats made by the offender (Evidence of Professor Cameron, Academic Director of Emergency and Trauma Centre, Alfred Hospital, given to the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Reduce Crime Against the Person*, Public Hearing, Melbourne, 9 November 2009).

⁹¹ Mr Bryan de Caires, Chief Executive Officer, Australian Security Industry Association Ltd., Meeting with the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Reduce Crime Against the Person*, Sydney, 30 November 2009.

⁹² Information provided by MUARC at the request of the Drugs and Crime Prevention Committee, 6 May 2010. See Appendix 6.

⁹³ Information provided by MUARC at the request of the Drugs and Crime Prevention Committee, 6 May 2010. See Appendix 7.

⁹⁴ Mr Bryan de Caires, Chief Executive Officer, Australian Security Industry Association Ltd., Meeting with the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Reduce Crime Against the Person*, Sydney, 30 November 2009.

Medical staff

Assaults in hospitals are not uncommon. Over one-quarter of people assaulted in the workplace are hospital staff,⁹⁵ and many consider such incidents to be just ‘part of the work’.⁹⁶ For example, at Peninsula Health in Frankston there are approximately two or three reports per week, and offenders are usually patients. The patients most likely to offend are intoxicated young men, or occasionally elderly people who may be delirious, confused or agitated. Medical staff are unlikely to report these assaults, especially when they are not physically injured.⁹⁷ Dr Leong Goh, Clinical Director of Emergency Medicine at Peninsula Health, attributed the low-level of reporting in part to staff fearing retaliation, as offenders know where they work, and also to staff seeing their role as providing care for patients ‘even though the patient might not be in a the best mood at the time’.⁹⁸

These concerns were also reflected in Ballarat, with emergency department doctor Councillor Mark Harris explaining that ‘it’s a less and less safe environment for people to work and it would be the regional as well as the city experience’.⁹⁹

Paramedics are also at risk of assault. In the 2008-2009 financial year there were 108 reports of violence towards paramedics in Victoria.¹⁰⁰ Such assaults are most likely to occur in inner Melbourne. The offenders may be patients or bystanders.¹⁰¹ As with police officers there are special provisions making it an offence to assault an ambulance officer or paramedic worker in the course of their professional duties.¹⁰² The Committee considers such an offence is clearly warranted. However it also believes such a law should be extended to cover other people working in hospitals or otherwise engaged in providing medical care such as doctors, nurses and allied health professionals. The Committee feels that enacting specific laws applicable to assaulting medical and allied workers reinforces the message that violence towards such workers acting in accordance with their professional duties is totally unacceptable and as with police and ambulance officers a particularly grave form of assault.

⁹⁵ Information provided by MUARC at the request of the Drugs and Crime Prevention Committee, 6 May 2010. As above, this value is based on victims who present at an emergency department with injuries from an assault.

⁹⁶ Evidence of Dr Leong Goh, Clinical Director, Emergency Medicine, Peninsula Health, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Frankston, 26 October 2009.

⁹⁷ Evidence of Dr Leong Goh, Clinical Director, Emergency Medicine, Peninsula Health, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Frankston, 26 October 2009.

⁹⁸ Evidence of Dr Leong Goh, Clinical Director, Emergency Medicine, Peninsula Health, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Frankston, 26 October 2009.

⁹⁹ Evidence of Councillor Mark Harris, Councillor and medical doctor, City of Ballarat, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Ballarat, 28 October 2009.

¹⁰⁰ Out of 2462 FTE paramedic and MICA paramedic staff, Accessed at www.ambulancevictoria.vic.gov.au, 7 May 2010.

¹⁰¹ Evidence of Associate Professor Tony Walker ASM, General Manager–Regional Services, Ambulance Victoria, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Melbourne, 7 October 2009.

¹⁰² See Section 51, *Summary Offences Act 1966* (Vic).

Late night workers

Assaults in public places are most likely to occur during peak times of alcohol consumption, usually Friday and Saturday nights or the early hours of the following mornings. This pattern remains consistent not only for victims who are patrons of late-night venues, but also people working at these times. Most occupational assaults occur between the hours of 6pm and 6am,¹⁰³ and rates are highest during the early hours of Sunday mornings.¹⁰⁴ Mr Vernon Chalker, President of the Association of Liquor Licensees Melbourne, expressed concern for the safety of his staff after completing their shifts during the early hours of the morning.¹⁰⁵

Culturally and linguistically diverse (CALD) communities

There is varying evidence regarding the extent to which people from CALD communities are at risk of assaults in public places. Some studies indicate that people within cultural minority groups are at greater risk of assault than the rest of the population (for example Tulloch et al 1998), while others suggest their risk is lower (for example, see Johnson 2005b; Baur 2006 in Babacan et al 2010). However, where CALD people are found to be at a lower risk of assaults in public places, there is usually an additional variable involved, such as the time spent in or around licensed venues during evenings (Johnson 2005a). For example, research undertaken by the AIC (Johnson 2005a) found that people who speak a language other than English at home were less likely to be victims of assaults, but were less likely to be outside the home during evenings (Johnson 2005b).

The AIC research also showed that second-generation migrants are more likely to be victims of assaults in public places than first-generation migrants or people from non-migrant families (Johnson 2005b). One explanation for this could be that second-generation migrants are at higher risk due to the combined effect of having migrant ancestry (and hence being at risk of racially-motivated assault), and growing up in Australia (and hence being more likely to socialise outside the home during evenings).

Evidence relating to fear of crime within CALD groups uniformly indicates that CALD individuals are more fearful of assaults in public places than other Victorians,¹⁰⁶ due to the perceived risk of racially-motivated assault (Collins 1995; Johnson 2005a). Indeed, when CALD people are assaulted, 38 per cent of victims believe the assault to be racially motivated (Johnson 2005b). Evidence has also shown that racially-motivated assaults are not only more likely to involve physical harm but also likely to be of greater severity (Levin 1992, 1993 and Levin & McDevitt 1993 in Babacan et al 2010). These assaults can

¹⁰³ Specifically, of assaults occurring while the victim was engaged in paid work, 55 per cent of emergency department presentations were between the hours of 6pm and 6am.

¹⁰⁴ Information provided by MUARC at the request of the Drugs and Crime Prevention Committee, 6 May 2010. See Appendix 7.

¹⁰⁵ Evidence of Mr Vernon Chalker, President, Association of Liquor Licensees Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Melbourne, 7 October 2009.

¹⁰⁶ See also submission from Jesuit Social Services to the Drugs and Crime Prevention Committee to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, November 2009.

cause a sense of alienation, distrust of authority or reluctance to engage with police, and reduced engagement with community (Johnson 2005b).¹⁰⁷

Both the risk and fear of being assaulted may change over time, with some community groups being more significantly affected than others. For example, a submission to the Committee by Jesuit Social Services reported a recent decline in public assaults of members of the African community in Flemington, but increased concern within the Asian and Turkish communities in Richmond. The same submission reported that some CALD children were too frightened to go into the schoolyard for fear of violence.¹⁰⁸

CALD victims may be less aware of their legal entitlements, may have difficulty accessing information or support due to language difficulties, may be concerned that reporting the assault may affect their visa, or may not be able to engage easily with 'mainstream' services (Department of Justice 2008a).¹⁰⁹ In addition, some victims may not receive the support they need because they are fearful of further violence if they report the assault, or deny they have experienced violence.¹¹⁰

The Committee received evidence that some police officers, particularly Multicultural Liaison Officers, provide inspiring examples of working collaboratively with CALD groups,¹¹¹ but that some CALD communities experience difficulties with the criminal justice system (Department of Justice 2008a). Both Youthlaw and Jesuit Social Services provided examples of police officers assaulting young CALD individuals, some of which resulted in significant injuries.¹¹² The Victorian Law Foundation has published a report on this matter (Hopkins 2009).

International students

Until recently there has been very little research exploring violence towards international students in Australia. However, in 2005 a study investigating the social and economic security of international students in Australia was undertaken at Monash University. A total of 202 international students at nine Australian institutions were interviewed, and most in Melbourne said they felt safe (96 per cent). Fifty per cent of respondents said they had experienced discrimination in Australia, with students from India and China most likely to report feeling unsafe (Deumart et al 2005).

¹⁰⁷ Submission from VicHealth to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, October 2009.

Reasons for this are discussed in Chapter 4.

¹⁰⁸ Submission from Jesuit Social Services to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, November 2009.

¹⁰⁹ Submission from Jesuit Social Services to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, November 2009.

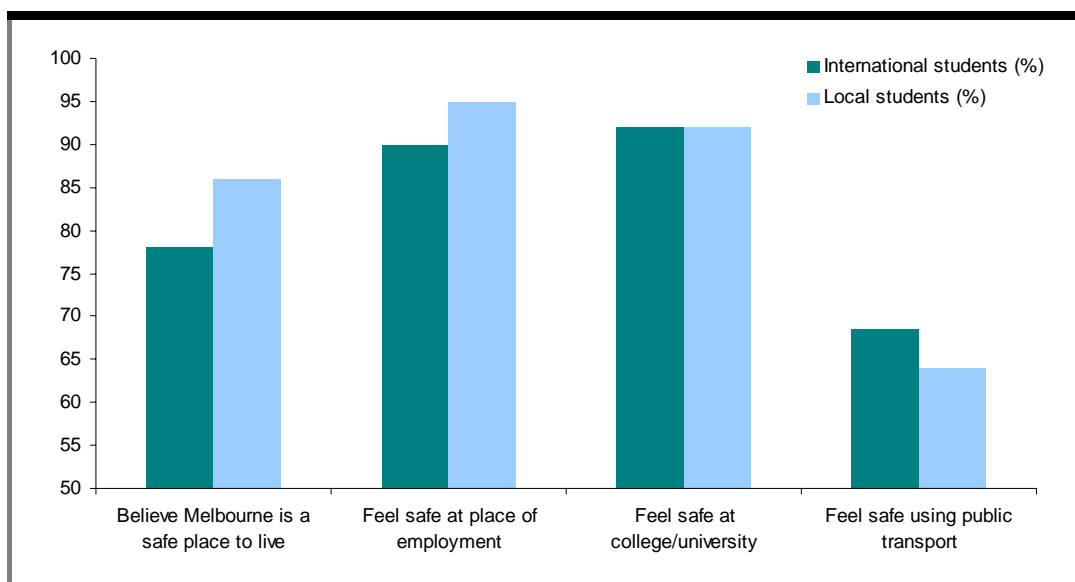
¹¹⁰ Evidence of Ms Sulaika Dhanapala, Chairperson, Refugee Support Service Network, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Ballarat, 28 October 2009.

¹¹¹ Submission from Centre for Multicultural Youth and the Youth Affairs Council of Victoria to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, November 2009.

¹¹² Submission from Jesuit Social Services to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, November 2009; Submission from Youthlaw to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, November 2009.

In February 2010, Victoria University released a report, ‘Community Safety of International Students in Melbourne: a scoping study’. The study surveyed 515 international students and 498 domestic students, in addition to in-depth interviews with 35 international students and 29 key stakeholders (Babacan et al 2010). Figure 5.3 summarises the report findings relating specifically to assaults in public places. The findings reveal that while most international students feel safe in Melbourne, international students are less likely than local students to feel safe in some locations and are more likely to consider international students to be unsafe in Melbourne (Babacan et al 2010). The report also found that many international students choose Australia as a study destination because they believe it to be a safe country with a high quality of education (Deumert et al 2005; City of Melbourne 2008) but many (57 per cent) find it less safe than expected (Babacan et al 2010). A larger proportion of international students reported being assaulted than local students, but it was unclear whether this difference was statistically significant.

Figure 5.3 Perceptions of safety by international and local students in Melbourne in 2009 (%)



Source: *Victoria University report, ‘Community Safety of International Students in Melbourne: A scoping study’, in Babacan et al 2010.*

Consistent with the earlier Monash University report, the Victoria University research found that both domestic and international students identified Indian and Chinese students as being less safe than other international students. When asked which students were most at risk, some respondents prefaced their answer with, ‘It would appear from the media that...’ or a similar comment (Babacan et al 2010, p.59), illustrating the media’s impact on perceptions of safety. Concern was also expressed that media coverage increases the risk for international students by encouraging the belief that they are easy targets (Babacan et al 2010). Although some assaults against international students may be opportunistic in that they may be motivated by theft,¹¹³ they may also be racially-motivated because international students are perceived to be weak targets. According to Babacan et al (2010), racism is used by the offender to weaken or humiliate the victim. Further, Babacan et al

¹¹³ This, however, does not appear to be the most common occurrence, as many international students who were victims of violence stated that they were racially abused while being assaulted, with no robbery associated with the crime (Dunn 2008; Edwards 2009; Sheridan 2009; Wade & Das 2009 in Babacan et al 2010).

argue that while violence towards an international student may appear to a domestic student to be 'random', international students may experience or witness such occurrences with greater consistency or regularity.

The president of the Federation of Indian Students, Mr Amit Menghani, expressed a view that violence towards Indian students was racially motivated. He believed the issue has not been adequately managed and victims have not been adequately supported.¹¹⁴ He spoke extensively to the Committee about the reluctance of Indian student victims to report assaults because they believe nothing will come of it, and about negative experiences suffered by some students who had filed reports.

Fear of violence has restricted the freedom of some international students to the extent that they have taken time off from their studies when reports of violence against international students have emerged, and others have felt unable to leave the house after dark (Babacan et al 2010). One student explains:

Nowadays I feel so scared, so insecure. Just cos of the racism, just cos of the attacks (Babacan et al 2010, p.84).

There are also a range of additional factors which are likely to increase the risk of international students being victims of assault. These include:

- international students have reduced access to affordable housing, and may have little knowledge about where the safest parts of Melbourne are to live in. Consequently, they may be more likely to live in high crime areas (Babacan et al 2010).
- international students have fewer employment options than local students (Babacan et al 2010). They are therefore more likely to be employed in high-risk roles, such as driving taxis.
- international students are unlikely to have access to a car, and so are reliant on public transport to travel to and from their place of work or study, including after dark.¹¹⁵

When an assault occurs, international students are less likely than Victorian citizens to file a report.

The reasons for not reporting included: the event was minor or trivial; they were unsure or did not know what to do about reporting an incident; not wanting to cause themselves unnecessary inconvenience by going through the reporting process; being unable to identify a perpetrator; not having sufficient evidence or witnesses to report an incident; fear of getting into trouble for reporting an incident; not wanting to create any potential immigration or residency problems for themselves by reporting the incident (Babacan et al 2010, p.41).

A survey of international students by the City of Melbourne revealed:

¹¹⁴ Evidence of Mr Amit Menghani, President, Federation of Indian Students Australia, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Melbourne, 7 October 2009.

¹¹⁵ Evidence of Ms Wesa Chau, Honorary President, Australian Federation of International Students, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Melbourne, 7 October 2009.

Another minor theme (12 per cent of comments) emerged around international students' perceptions of Victoria Police. Respondents made various comments indicating a perceived lack of follow-up on reported incidents in their (or their friends') previous dealings with the police. Some respondents suggested that the police may not be able to influence the outcome of the situation or take the matter any further, and others perceived a lack of concern for their situation by police, particularly because of their status as international students (City of Melbourne 2008, p.14).

Conclusion

Official crime statistics provide some insights into those groups at increased risk of assaults in public places. Young men, for example, have been identified as being most at risk. However, there has been very little qualitative research undertaken that examines the nature and extent of harms that assaults may have on particular groups of people, including Indigenous people, homeless people, same-sex attracted people and international students. Other groups, such as women and older people, perceive themselves at risk of assaults in public places when they may not be. The effects of this perceived risk, however, can result in fear that may impact on the lifestyle of these people.

Recommendation

The Committee recommends that the Victorian Government commission research projects into the nature and extent of assaults against homeless people, people from CALD backgrounds, international students and workers, Indigenous people and same-sex attracted people. (*Recommendation 31*)

6. Contributing Factors

Introduction

Factors contributing to assaults in public places are multiple and complex. As Mr Jono Chase from the youth-based community group Step Back Think told the Committee:

...there are always questions about things like drugs and alcohol, policing, technology, media, video games, and the list goes on. No-one quite knows what to put the finger on, what is the cause and how we deal with it. ...the view of Step Back Think is that clearly there is no one cause or no one factor.¹¹⁶

Researchers in the fields of criminology and public health agree with the view that there is no single cause of violent crime in general, or of assaults in public places specifically. It is generally accepted that a range of individual, situational, social and cultural factors are involved. The individual's propensity to aggression (which may be influenced by the culture and environment he or she grew up in); the consumption of alcohol or drugs; the immediate environment and how others are behaving in it; and general social, economic and cultural factors all contribute to the incidence of assault. While it may be difficult to disentangle the relative weight of the various factors involved in any single assault, factors contributing to increases or decreases in assault rates over time, or which shape the pattern of assaults occurring across geographical areas, are easier to discern.

The contribution of alcohol and other drugs

Recent assaults occurring in entertainment precincts have highlighted the role that alcohol and other drugs can play in precipitating violence. The Committee received substantial evidence about the relationship between alcohol, drugs and violence. In particular, the Committee received evidence from many sources that excessive and risky patterns of alcohol consumption are the factors most consistently linked to current levels of assaults occurring in public places. Seventy-five per cent of submissions to this Inquiry raised this issue, including 13 of the 14 received from local government and all of those received from health related organisations. Alcohol and the role it plays in relation to public violence was also frequently the focus of discussion in public hearings. Research further supports the view that alcohol – and various features of the way in which it is made available and consumed – is a major contributing factor. Illicit drugs play a lesser but, according to evidence received by the Committee, still significant part.

The link between alcohol and aggression

The link between alcohol and violence has been recognised for thousands of years. In a play by the 4th Century BC Greek poet Eubulus, the Greek god of wine, Dionysus, states:

¹¹⁶ Evidence of Mr Jono Chase, President, Step Back Think, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

Three kraters (cups) do I mix for the temperate: one to health, which they empty first, the second to love and pleasure, the third to sleep. When this bowl is drunk up wise guests go home. The fourth bowl is ours no longer but belongs to hubris, the fifth to uproar, the sixth to prancing about, the seventh to black eyes, the eighth brings the police, the ninth belongs to vomiting, and the tenth to insanity and the hurling of furniture (Quoted in Bellis & Hughes 2010, p.1).

The association between alcohol and aggression described in the above quotation is consistent with current evidence gathered by the Committee and other research.

Experimental studies find that research subjects who receive alcohol react more aggressively than those in no-alcohol or placebo groups (Leonard 2008; Bushman 1997 in Babor et al 2010; Bushman & Cooper 1990 in Babor et al 2010). Survey-based and observational research studies also show a consistent and significant association between alcohol consumption and violence; an association which holds in both English-speaking and other countries, and when other factors such as socio-demographic variables and drug dependence are controlled for (Leonard 2008). This demonstrated link between alcohol and violent crime is considered by researchers to be at least partly causal (Graham & Homel 2008; Room & Rossow 2001 in Babor et al 2010).

However, the relationship between alcohol and aggression varies; it is stronger in some cultures than others, and is influenced by patterns of drinking (Babor et al 2010). Heavy drinkers are significantly more likely to be both perpetrators and victims of violence (Babor et al 2010). A pattern of heavy episodic drinking (binge drinking) with frequent instances of intoxication is most clearly related to violent behaviour (Leonard 2008; Babor et al 2010, p.62). It has also been found that individual differences and environmental conditions moderate the relationship between alcohol and violence (Babor et al 2010), and that 'individuals with aggressive propensities are most likely to behave aggressively in the presence of excessive drinking patterns or acute intoxication' (Leonard 2008, p.42).

While research has demonstrated an association between alcohol consumption and violence, the question arises as to how alcohol contributes to aggression and violence. To answer this question, two broad theoretical approaches have been put forward. The first focuses on the belief and expectancies of drinkers, the other focuses on the pharmacological impact of alcohol. The former suggests that alcohol consumption is linked to violence because of widespread beliefs that alcohol causes aggression and that intoxication in some way excuses violent behaviour. However, there is little evidence to support this being the major cause of the link. Experimental studies demonstrate that the beliefs one holds about the consumption and effects of alcohol 'are less relevant to aggressive behaviour than the actual amount of alcohol consumed' (Leonard 2008, p.45).

The pharmacological explanation claims that the ability of alcohol to disrupt cognitive processes is the link between alcohol and violence. Studies have found that alcohol impairs cognitive ability, increases risk-taking, impulsivity and emotionality, narrows the perceptual field and increases concern with personal power (Graham & Homel 2008; Miller, Sonderlund & Palmer 2010). The normal inhibitions that prevent people from responding aggressively to provoking situations are impaired by the consumption of alcohol (Leonard 2008). Impulse control is reduced and risk-taking increases as the ability to assess danger deteriorates. All of these factors contribute to the likelihood of violence occurring when alcohol is consumed, particularly in quantities that lead to intoxication. Furthermore, those who already have weak inhibitory controls are likely to be more susceptible to the impact of alcohol on aggression, thus explaining the synergistic effect between aggression-provoking factors and alcohol consumption (Leonard 2008).

Clearly then, while alcohol is neither a necessary or sufficient cause of aggressive behaviour, aggression is likely to occur when the following factors are combined:

- (a) the pharmacological effects of alcohol;
 - (b) a person who is willing to be aggressive when drinking;
 - (c) an immediate drinking context conducive to aggression; and
 - (d) a broader cultural context that includes tolerance of alcohol-related aggression
- (Graham & Homel 2008, p.38).¹¹⁷

This combination of factors is also likely to contribute to race-based discrimination and violence, as social norms proscribing such behaviour are also inhibited through cognitive impairment. As noted in a submission from VicHealth:

The links between race based discrimination and violence are clear. Likewise it is clear that if alcohol is added to this mix, assaults against vulnerable/affected groups are likely to escalate both in prevalence and severity.¹¹⁸

The link between aggression and drugs other than alcohol

Evidence for a relationship between aggression and illicit drugs is not as clear or consistent as the evidence for alcohol, although there is some indication from research that certain drugs do increase the likelihood of aggression. ‘Amphetamines, phencyclidine (PCP) and cocaine have...been associated with violence’ in research, while reduced violence has been attributed to MDMA (‘ecstasy’) use (Graham & Homel 2008, pp.54–56). The National Drug Research Institute also notes that ‘[s]everal studies have found high levels of aggressive behaviour among regular meth/amphetamine users’ (2007, p.48).

Violence also occurs in relation to drug-taking culture and drug dealing (Graham & Homel), and for some drugs this may be more significant than their pharmacological effects.¹¹⁹ Professor Homel, for instance, suggested to the Committee that, ‘any licensed venue where there is drug dealing going on is likely to be quite dangerous. The violence is related to the dealing, not to the actual drug use’.¹²⁰

¹¹⁷ Evidence received from the Australian Drug Foundation and VicHealth present similar conclusions regarding the combination of pharmacological, psychological, social, cultural and environmental factors that feed into incidents of alcohol-related violence. See: Evidence of Mr Geoff Munro, National Policy Manager, Australian Drug Foundation, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009; Submission from VicHealth, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

¹¹⁸ Submission from VicHealth, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

¹¹⁹ See for example: Submissions from Bass Coast Shire Council and the City of Yarra to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009; Submission from Jesuit Social Services, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, November 2009.

¹²⁰ Evidence of Professor Ross Homel, Director, Griffith Institute for Social and Behavioural Research, Griffith University, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Teleconference, 9 November 2009.

The Committee received considerable anecdotal evidence that drug use is contributing to assaults occurring in public places in Victoria.¹²¹ However, as there is no testing for drug use when someone is arrested for an assault it is difficult to assess the extent to which drugs other than alcohol contribute to violence on the street.¹²²

Specific alcohol and drug related issues contributing to assault

Throughout the Inquiry a number of specific issues concerning the role alcohol and other drugs play in precipitating assaults in public places were identified. These relate to the way in which alcohol is normalised within our society. They also relate to the way in which alcohol is made available, the environment in which it is consumed, and the problem of drugs being combined with alcohol consumption.

Risky drinking cultures

Alcohol consumption is both normative and pervasive in Australian society (Drugs and Crime Prevention Committee 2006).¹²³ Whether celebrating a birthday, Christmas, a wedding, a graduation, or a sporting win, most Australians will toast the occasion with alcohol. However, it is the extent to which the culture of alcohol consumption in Australia encourages risky consumption that is important when looking at the relationship between alcohol and assaults. There is particular concern about the increasing number of people who are consuming alcohol at risky levels, and the acceptability of this. An Australian study of attitudes and behaviours of those who consume alcohol at risky levels found that not only was drinking ubiquitous in Australia life, but that drinking for the specific purpose of getting drunk was normative in certain circumstances, particularly among young people. Getting drunk was common in ‘bonding sessions’ between males, and was seen as ‘a badge of being an adult’ (Shanahan, Wilkins & Hunt 2002 in Drugs and Crime Prevention Committee 2006, pp.117–118).

Drinking cultures can change over time, influenced by broader social change and changes in the availability of alcohol. The increased availability of alcohol in recent years, particularly through the growth of cut-priced packaged outlets, appears to have reinforced existing cultural attitudes that view excessive drinking and drunkenness as normal.¹²⁴ In particular, research has identified patterns of unhealthy and risky drinking developing among young people, which may contribute to violence.¹²⁵ These include binge drinking, pre-loading and underage drinking.

¹²¹ See for example: Evidence of Mr Darren Holroyd, Chairman, Geelong Nightlife Association, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009; Evidence of Ms Colleen Lazenby, Manager, Community Safety and Wellbeing, City of Melbourne, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009; Evidence of Mr Steve Medcraft, Victims of Crime Advocacy League, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

¹²² Evidence of Mr Peter Perrett, CEO, ID-Tech Pty Ltd, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

¹²³ The Drugs and Crime Prevention Committee’s 2006 report into Strategies to Reduce Harmful Alcohol Consumption contains an extensive discussion of cultures of alcohol consumption.

¹²⁴ Submission from Brimbank City Council, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, November 2009.

¹²⁵ Evidence of Ms Julianne Brennan, Director, Responsible Alcohol Victoria, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

Binge drinking, pre-loading and packaged liquor

The common practice among young people of drinking large quantities of alcohol at home or at a friend's home prior to going out to bars, nightclubs and other on-site licensed premises is of concern. The phenomenon – variously labelled 'pre-loading,' 'pre-drinking' 'front-loading' or 'power drinking' – was raised frequently in submissions and at hearings as a contributing factor to assaults occurring in public places.¹²⁶

The motivation behind pre-loading appears to be primarily economic, and relates to the price differential between packaged liquor and the cost of drinks at licensed premises.¹²⁷ Young people can drink cheaply at home before going out for a night in the city.¹²⁸ Pre-loading is also part of a shift in the culture of going out that is related to the extension of trading hours. With many venues now open until well into the early hours of the morning, most young people do not begin their night out until 11.00pm or later, after meeting at a friend's house for drinks.¹²⁹

According to Mr Paul Dillon, the Director of Drug and Alcohol Research Training Australia, drinking before going out for a night of entertainment is often carefully managed by young people so they will not appear intoxicated when attempting to enter venues.¹³⁰ This provides a dilemma for venue managers who may find they have highly intoxicated patrons after only providing them with one or two drinks. As one witness told the Committee, after pre-loading, young people 'are arriving at venues and they are borderline, they get inside, and one or two drinks and they are done'.¹³¹ When intoxicated people are refused entry to venues, further problems ensue with people who are both angry and intoxicated milling around on the street.¹³²

¹²⁶ See for example: Evidence of Mr Vernon Chalker, President, Association of Liquor Licensees, Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009; Evidence of Mr Steve Medcraft, Victims of Crime Advocacy League, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009; Submission from Australian Drug Foundation, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

¹²⁷ See for example: Evidence of Mr David Butten, Melbourne Nightclub Owners Forum, Greater Dandenong Alcohol and Drug Advisory Committee, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Dandenong, 26 October 2009; Evidence of Professor Ross Homel, Director, Griffith Institute for Social and Behavioural Research, Griffith University, to Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Teleconference, Melbourne, 9 November 2009.

¹²⁸ Evidence of Mr Clancy Wright, Youth Strategy Officer, Australian Drug Foundation, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

¹²⁹ Evidence of Mr Geoff Munro, National Policy Manager, and Mr Clancy Wright, Youth Strategy Officer, Australian Drug Foundation, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

¹³⁰ Mr Paul Dillon, Director, Drug and Alcohol Research Training Australia, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Sydney, 30 November 2009.

¹³¹ Evidence of Mr John Fitzgibbon, Chair, Ballarat Community Safety Advisory Committee, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

¹³² Evidence of Mr Michael Delaney, Venue owner and member Association of Liquor Licensees Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

A British study on the drinking habits of young people aged 18–35 years found that young people who consume alcohol prior to attending city nightlife venues drink significantly more in total over the night than those who begin drinking after reaching bars or nightclubs. Those individuals who drank before going out were more than four times as likely to report drinking more than 20 standard drinks on a usual night out and were 2.5 times more likely to have been involved in a fight during a night out over the previous 12 months (Hughes, Anderson, Morleo & Bellis 2008).

The 2004 Australian National Drug Strategy Household Survey shows young people between the ages of 18 and 24 report the highest rates of risky drinking (Roche et al 2007). Further, the proportion of 21–24-year-olds drinking at risky levels and the amount they usually consume both increased between 2001 and 2004 (Roche et al 2007). The Victorian 2004 Youth Alcohol and Drug Survey, which surveyed young people aged 16–24, also found very high levels of harmful drinking. It reports that in the 12 months prior to the survey:

...More young people (73 per cent, up from 71 per cent in 2003) reported at least one occasion on which they drank alcohol with the specific intention of getting drunk.

54 per cent of young people reported consuming 11 or more standard drinks in a day on at least one occasion (up from 52 per cent in 2003).

36 per cent reported consuming 20 or more standard drinks in a day at least once (up from 31 per cent in 2003).

27 per cent of females (compared to 21 per cent in 2003) reported at least one occasion during the previous 12 months when they had consumed 20 or more standard drinks in a day (Premier's Drug Prevention Council 2005, p.3).

It seems likely that binge drinking and the practice of pre-loading among young Victorians is contributing to the increased incidence of assaults occurring in public places.

Underage drinking

There is also evidence that a culture of risky drinking, including binge drinking is becoming entrenched among Australians at increasingly younger ages. Roche et al (2007) report that the age of initiation into drinking alcohol has been decreasing for some years: 'For each successive 10-year generation over the past 50 years, initiation into drinking has occurred at earlier and earlier ages' (p.4). According to national data from 2004, by age 18 around half of young males and females were risky drinkers, although they define themselves as 'social drinkers'. Most young people have little difficulty obtaining alcohol, with those aged 12–17 obtaining it from friends (39 per cent) or their parents (36 per cent) (Roche et al 2007, pp.4–5).

These findings are consistent with evidence gathered by the Committee for this Inquiry. A submission from the Australian Drug Foundation noted high levels of heavy drinking among young people under the age of 18.¹³³

¹³³ Submission from Australian Drug Foundation, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

Professor Homel also told the Committee that data he is analysing as part of a study of Healthy Neighbourhoods indicates that young people in Grade 6 and Grade 8 view drinking and getting drunk as normal, while they condemn tobacco and are dismissive of illicit drugs such as marijuana.¹³⁴ Alcohol educator, Mr Paul Dillon, is also concerned about the attitudes towards drinking that he has encountered among young people, particularly in the 14–24 age group. As an example, he talked about meeting with Year 10 girls, 15-year-olds, who have been regularly buying and drinking a bottle of vodka between three of them every Saturday night for at least 12 months.¹³⁵

While preloading among young people of legal drinking age is likely to be contributing to the occurrence of assaults in and around licensed venues in entertainment precincts, the practice of underage drinking would appear to contribute to violence in more suburban settings such as parties,¹³⁶ in parks and around railway stations.¹³⁷ In the Dandenong region there is a problem with assaults occurring near train stations where many underage young people congregate to drink,¹³⁸ while Frankston Police report that the large numbers of underage young people who congregate in the local McDonalds' car park, presents a bigger problem than the licensed venues in their region.¹³⁹

The combination of drugs and alcohol

Concern has also been expressed to the Committee that the consumption of alcohol in combination with other drugs, both illicit and licit, which has become more frequent in recent years, may increase the likelihood of violence.¹⁴⁰ Professor Cameron, from the Emergency and Trauma Centre at the Alfred Hospital sees stimulants and alcohol as being 'the two biggest single drivers' of violence and noted that use of stimulant-type drugs – eg.

¹³⁴ Evidence of Professor Ross Homel, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Teleconference, Melbourne, 9 November 2009. In Ballarat, the Committee also heard from a number of witnesses who were concerned about the younger age at which young people are consuming alcohol, the strength of what they are drinking and the general acceptance of drinking to get drunk. See for example, Evidence of Councillor Des Hudson, Ballarat City Council, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

¹³⁵ Mr Paul Dillon, Director, Drug and Alcohol Research Training Australia, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Sydney, 30 November 2009.

¹³⁶ See for example: Evidence of Ms Naomi Oakley, Managing Director, U-Name Security, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 23 November 2009.

¹³⁷ See for example: Evidence of Inspector Caroline West, Manager, Greater Dandenong Police Service Area, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Dandenong, 26 October 2009.

¹³⁸ See for example: Evidence of Acting Detective Senior Sergeant Trevor Smith, Second in Charge, Greater Dandenong Police Service Area, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Dandenong, 26 October 2009.

¹³⁹ Evidence of Inspector Ron Cooke, Manager, Operation Razon, Victoria Police, Frankston, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Frankston, 26 October 2009.

¹⁴⁰ Submission from Brimbank City Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, November 2009. See also: Evidence of Sergeant Tony Francis, Licensing Unit, Geelong PSA, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

methamphetamine and ice – had increased over the past 5–10 years as heroin use has dropped off.¹⁴¹

One possible reason for combining drugs with alcohol is that it can provide a cheaper night out¹⁴² in a similar manner to preloading. Another explanation is ‘that young people have been using amphetamines [stimulants] to stop themselves from falling asleep during bouts of heavy drinking’.¹⁴³ While noting that little research has been conducted into the issue, Professor Don Weatherburn suggested this is ‘a particularly toxic combination because amphetamine abuse tends to make you aggressive and alcohol tends to disinhibit you, so it’s sort of the last thing you want to see combined’.¹⁴⁴

The combination of alcohol with high energy drinks containing caffeine was also identified as a factor contributing to increased levels of violence.¹⁴⁵ Combinations such as Red Bull with vodka, or Red Bull with Jagermeister, known as ‘Jager Bombs’ are increasingly popular among young people. Professor Weatherburn suggested that, as with amphetamine/alcohol combinations, the ability to drink large quantities of alcohol without falling asleep, was behind the popularity of such drinks.¹⁴⁶ Professor Robin Room similarly suggested that stimulants, both illicit and licit, are keeping drinkers awake and allowing them to drink more with potentially negative consequences.¹⁴⁷ This is consistent with research that shows stimulants consumed with alcohol can reduce a person’s perception of their level of intoxication and give them a false sense of alertness (Jaggard 2010). Recent US research has found that the likelihood of patrons being highly intoxicated when they leave a bar increases three-fold for those who consume alcohol mixed with high energy drinks as opposed to those who only consume alcohol (Thombs et al 2010). The provision of high-caffeine energy drinks on tap in pubs, currently being trialled in hotels in Sydney, is worrying, as it would likely lead to increased consumption of such drinks as a mixer with alcoholic beverages (Jaggard 2010).

¹⁴¹ Evidence of Professor Peter Cameron, Academic Director, Emergency and Trauma Centre, Alfred Hospital, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 9 November 2009.

¹⁴² Evidence of Mr Simon Pratt, Owner/Manager Katuk Bar and Member Stonnington Accord, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

¹⁴³ Professor Don Weatherburn, Director, NSW Bureau of Crime Statistics and Research, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Sydney, 1 December 2009.

¹⁴⁴ Professor Don Weatherburn, Director, NSW Bureau of Crime Statistics and Research, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Sydney, 1 December 2009. Professor Cameron made a similar point to the Committee, describing the combination of stimulant drugs and alcohol as ‘a bad cocktail’. Evidence of Professor Peter Cameron, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 9 November 2009.

¹⁴⁵ See for example: Evidence of Mrs Binky Henderson, Parent Advocate, S-Smart Parents, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009; Evidence of Mr John Fitzgibbon, Chair, Ballarat Community Safety Advisory Committee, to Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009; Evidence of Professor Robin Room, Director, Centre for Alcohol Policy Research, Turning Point Drug and Alcohol Centre, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 23 November 2009.

¹⁴⁶ Professor Don Weatherburn, Director, NSW Bureau of Crime Statistics and Research, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Sydney, 1 December 2009.

¹⁴⁷ Evidence of Professor Robin Room, Director, Centre for Alcohol Policy Research, Turning Point Drug and Alcohol Centre, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 23 November 2009.

Such risky drinking practices, and the increasing frequency of them, gives rise to the question of what is driving this change in drinking cultures among young people. Clearly, adult role models are significant – many witnesses suggested that parents and the adult community in general must bear some responsibility for these cultural changes.¹⁴⁸ While many parents are unaware of the amount of alcohol their children are consuming, parents and friends' parents are the main source of alcohol for many underage drinkers.¹⁴⁹ The Australian Drug Foundation is particularly concerned that it is legal for any adults – not just a young person's parents – to provide alcohol to teenagers and children in private settings. It notes that other states have moved to introduce legislation prohibiting the secondary supply of alcohol to those under 18.¹⁵⁰

A culture of heavy drinking among young people can also be attributed to increased availability of alcohol and to a more general and increasing acceptance of excessive alcohol consumption in Australian society.

The availability of alcohol

Increased availability of alcohol has been shown to influence consumption and contribute to alcohol-related harms including violence (Babor et al 2010). Availability varies in line with a number of physical, economic and social factors. Most significantly in Victoria, liberalisation of liquor licensing laws since the late 1980s has led to a rapid increase in the number of licensed premises and a significant expansion of trading hours.¹⁵¹ On-premise licences have grown significantly, particularly in the Melbourne CBD.¹⁵² The number of packaged liquor outlets has also increased.¹⁵³ Perhaps more important is the amount of alcohol being sold through packaged outlets. While packaged liquor licences represented only 10.7 per cent of all Victorian Liquor Licences in October 2009,¹⁵⁴ they accounted for over 76 per cent of alcohol sold in Victoria, an increase from 46.51 per cent of total liquor

¹⁴⁸ See for example: Evidence of Dr Jaycen Cruickshank, Director Emergency Medicine, Ballarat Health Services, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009; Mr Paul Dillon, Director, Drug and Alcohol Research Training Australia, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Sydney, 30 November 2009.

¹⁴⁹ See for example: Mr Paul Dillon, Director, Drug and Alcohol Research Training Australia, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Sydney, 30 November 2009; Submission from Australian Drug Foundation to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

¹⁵⁰ Submission from Australian Drug Foundation to Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

¹⁵¹ Evidence of Ms Julianne Brennan, Director, Responsible Alcohol Victoria, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009. See also: Submission from Australian Drug Foundation, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

¹⁵² Evidence of Ms Julianne Brennan, Director, Responsible Alcohol Victoria, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

¹⁵³ Evidence of Ms Julianne Brennan, Director, Responsible Alcohol Victoria, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009. See also: Submission from Macedon Shire Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, November 2009.

¹⁵⁴ Evidence of Ms Julianne Brennan, Director, Responsible Alcohol Victoria, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

sales in 1994.¹⁵⁵ Although the rate of increase in licensed premises has recently moderated,¹⁵⁶ the number of licences in Victoria has quadrupled over the last 20 years.¹⁵⁷ Increases in availability are seen as contributing to the general level of alcohol-related harm, including violence.¹⁵⁸

Outlet density

A growing body of international and Australian research finds an association between outlet density and violence, including assaults (Babor et al 2010).¹⁵⁹ For example, a recent US study carried out in Cincinnati, Ohio, examined the relationship between the *spatial density* of alcohol outlets (of varying types) in a community and the density of both simple and aggravated assaults (Pridemore & Grubestic 2010). The study revealed a significant association between outlet density and assault density for a range of outlet types including off-premise outlets, bars, and restaurants, with the association between off-premise outlets and assaults being stronger than for other types of outlet (2010, pp.19–20).

Victorian-based research also found outlet density to be predictive of violence, regardless of whether one is looking at packaged outlets, on-premise or general licences (Livingstone 2010). Based on analysis of the relationship between outlet density in Victorian postcode areas and rates of violence, the study found the largest effect was for hotel licences. In outer suburbs, however, the density of packaged liquor outlets also influenced rates of assault (Livingston 2010).¹⁶⁰

Another study, carried out in Western Australia, provides particular insights into the relationship between outlet density and assaults. Unlike Victorian research, which has been restricted to working with counts of outlets (due to a lack of alcohol sales data),¹⁶¹ this study was able to ‘investigate the effect of numbers of outlets, alcohol sales, and types of alcohol outlets on the risk of assault’ (Chikritzhs & Liang 2010, p.2). Results from the study show that increased rates of assault are associated with increased numbers of on-site outlets (hotels, restaurants, social clubs and nightclubs), however the association was stronger for sales from off-site outlets (liquor stores).

¹⁵⁵ Evidence of Mr Brian Kearney, CEO, Australian Hotels Association, Victoria, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

¹⁵⁶ Evidence of Ms Sue Maclellan, Director of Liquor Licensing, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 22 March 2010.

¹⁵⁷ Evidence of Mr Michael Livingstone, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

¹⁵⁸ See for example: Submission from Australian Drug Foundation to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009; Evidence of Ms Amanda Collins, Community Safety Planning Officer, City of Ballarat, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

¹⁵⁹ See also: Evidence of Professor Robin Room, Director, Centre for Alcohol Policy Research, Turning Point Drug and Alcohol Centre, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, 23 November 2009.

¹⁶⁰ See also: Evidence of Mr Michael Livingstone, Research Fellow, Turning Point Drug and Alcohol Centre, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

¹⁶¹ Alcohol sales data has not been collected in Victoria since a High Court decision in 1995 that prevented sales data from being used as the basis for calculating licence fees. Evidence of Ms Sue Maclellan, Director of Liquor Licensing, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 22 March 2009. Western Australia still collects sales data despite not using it for licensing fee purposes.

Looking in more detail at this study's results, the incidence rate ratios (IRRs) for three categories of assault – total assaults, assaults that occur at on-site outlets, and assaults that occur at other public places (a category that encompasses the public locations that are the focus of this Inquiry) – are given in Table 6.1. These show that while assault rates were influenced by both the density (count) of outlets, and the amount of alcohol sold, the largest effect was seen in relation to alcohol sales from off-site premises. The strongest association for on-site outlets was an estimated 5 per cent increase in assaults that occurred at on-site premises, but the IRRs show the association between sales from off-site outlets and rates of assault are much higher. For every 10,000 litres of alcohol sold through an off-site outlet, the incidence of total assaults increased by 22.3 per cent; the increase in incidence of assaults was 19 per cent for on-site premises and 17.5 per cent for other locations.¹⁶² This study clearly demonstrates that increased availability of alcohol influences levels of assault.

Table 6.1 Incidence rate ratio for on- and off-site numbers of outlet and average alcohol sales¹⁶³

	Density (count) & alcohol sales for on-site outlets (hotels, restaurants, social clubs, nightclubs)		Density (count) & alcohol sales for off-site outlets (liquor stores)	
	Counts (per 1 additional outlet)	Alcohol sales (per 10,000 litres of pure alcohol)	Counts (per 1 additional outlet)	Alcohol sales (per 10,000 litres of pure alcohol)
Total assaults	1.021*	1.021	0.999	1.223*
Assaults at on-site outlets	1.048*	1.049	0.978	1.198*
Assaults at other places	1.027*	1.010	0.990	1.175*

Note: * Asterisk denotes statistical significance at the $p < 0.05$ level.

Source: Chikritzhs and Liang 2010.¹⁶⁴

The prevalence of pre-loading may explain the finding from this study that sales from packaged outlets predict increased rates of assaults that occur at on-site premises as well as at other locations. Importantly, the data suggests that due to the practice of pre-loading, 'alcohol sold from one average additional off-site outlet may account for several times as many assaults occurring at licensed settings than the physical presence of one additional on-site outlet' (2010, pp.8–9).

¹⁶² Evidence of Associate Professor Tanya Chikritzhs, National Drug Research Institute, Curtin University of Technology, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 12 April 2010.

¹⁶³ In this context, an incidence rate ratio refers to the ratio between the rate of assaults that would occur without the presence of one additional licensed venue or liquor store (or without the addition of an extra 10,000 litres of alcohol sales), and the rate of assaults with those additions. The incidence ratio in the first column and row, 1.021 for total assaults per additional on-site outlet, means that for every assault that would occur without the additional outlet, 1.021 assaults occur with it. In other words, the incidence of assault increases by 2.1 per cent per additional on-site outlet.

¹⁶⁴ Modified version of Table 2 from Chikritzhs and Liang (2010) in Evidence of Associate Professor Tanya Chikritzhs, National Drug Research Institute, Curtin University of Technology, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 12 April 2010.

Trading days and hours

In addition to outlet density, the opening hours and days of trading for licensed premises impact availability and hence harms related to the amount of alcohol consumed. A large number of Australian studies have found that liberalisation of trading hours for licensed premises results in increased harms, including violence (Jones, Kypri, Moffatt, Borzycki & Price 2009). A submission from the Australian Drug Foundation noted that 'there is good evidence that extending the trading hours of alcohol outlets results in increases in alcohol-related problems'.¹⁶⁵ Research carried out in Canada, Iceland, Scotland and the UK have also found increases in assaults and other acute harms following the extension of late-night trading hours (Babor et al 2010).¹⁶⁶

Price

The price of alcohol is another component of availability. When alcohol is cheaper, people can afford to purchase and consume greater quantities.¹⁶⁷ Professor Room noted that the relative price of alcohol has dropped over time compared to other competing commodities and this reduction in price is linked to increased consumption.¹⁶⁸ The proliferation of packaged liquor outlets in Victoria has reduced the price of alcohol through heavy discounts, and it seems these cheaper prices attract young people to purchase and consume greater quantities of alcohol.¹⁶⁹

Results from studies that have examined the impact of the price of alcohol on violent crime suggest a link between the price of alcohol and violence (Babor et al 2010). For example, a recent study conducted in the UK found that the rates of violence-related injuries in emergency department presentations were higher in regions with lower priced beer (Sivarajasingam, Mathews & Shepherd 2006).

Alcohol marketing practices

The Committee received evidence that the alcohol industry's marketing practices are encouraging risky drinking patterns among underage young people and drinkers aged over 18. Marketing includes both advertising and a range of other strategies such as point-of-sale promotions designed to increase alcohol sales. In particular, witnesses were most concerned about the following marketing strategies used to promote and sell alcohol:

¹⁶⁵ Submission from Australian Drug Foundation to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

¹⁶⁶ See also Evidence of Mr Michael Livingston, Research Fellow, Turning Point Drug and Alcohol Centre, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

¹⁶⁷ Submission from VicHealth to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

¹⁶⁸ Evidence of Professor Robin Room, Director, Centre for Alcohol Policy Research, Turning Point Drug and Alcohol Centre, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 23 November 2009.

¹⁶⁹ See for example: Submission from Macedon Shire Council, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, September 2009.

- promotions that provide discounted drinks for the purpose of attracting patrons, e.g. ‘two for one’ promotions, happy hours, drinking games, ‘cheap jugs’ nights;¹⁷⁰
- glamorising the drinking of alcohol and promoting it as a fashion item;¹⁷¹
- gimmicks such as the Bundy Bear;¹⁷²
- producing drinks with a high sugar content that appeals to young women;¹⁷³
- the promotion of alcohol through sport;¹⁷⁴ and
- heavy discounting and intense marketing of packaged liquor.¹⁷⁵

An extensive review by Babor et al of research on the impact of alcohol advertising on young people confirms that ‘alcohol advertising increases the likelihood that young people will start to use alcohol and will drink more if they are already using alcohol’ (Babor et al 2010, p.189).

In addition to advertising, ubiquitous point-of-sale promotions such as competitions, free gifts (eg. branded merchandise) and price discounts also contribute to increased consumption. For example, results from an Australian study which involved more than 500 interviews with consumers in New South Wales and Perth found a significant association ‘between being influenced to buy a larger quantity of alcohol because of a promotion and the number of standard drinks actually consumed in the next sitting’ (Jones 2009).

While a voluntary system of self-regulation is in place in relation to the advertising of alcohol in Australia, evidence provided to the Committee indicates that questionable practices are common within the industry. Research findings show that advertisers use strategies such as humour and ‘plot ambiguity,’ to circumvent the intent of guidelines while remaining technically consistent with them (Babor et al 2010, p.192).

In line with the goals of competition policy, it seems the increase in both on-premise and packaged liquor outlets has resulted in intense competition leading to widespread availability of low-priced alcohol to young and older drinkers alike, with possibly detrimental consequences.

¹⁷⁰ See for example: Professor Don Weatherburn, Director, New South Wales Bureau of Crime Statistics and Research, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Sydney, 1 December 2009; Evidence of Dr Doug Lloyd, Chief Executive Officer, Committee for Ballarat, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

¹⁷¹ See for example: Submission from Brimbank City Council to Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, November 2009; Evidence of Mr Brian Kearney, Chief Executive Officer, Australian Hotels Association, Victoria, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

¹⁷² The Bundy Bear is a polar bear image or logo used on the Bundaberg Rum label and promotional merchandise. Advertising for Bundaberg Rum also frequently features the ‘Bundy R. Bear’ character. (Evidence of Councillor Des Hudson, City of Ballarat, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.)

¹⁷³ Professor Don Weatherburn, Director, New South Wales Bureau of Crime Statistics and Research, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Sydney, 1 December 2009.

¹⁷⁴ Evidence of Dr Russell Dalton, Local Advocate, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

¹⁷⁵ Evidence of Ms Amanda Collins, Community Safety Planning Officer, City of Ballarat, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

The night-time economy

The night-time economy has been transformed over the past 20 years in parallel with the growth of liquor licences in Victoria. Concentrated entertainment precincts have proliferated in and around central Melbourne and in Victoria's larger regional cities. Such precincts have many positive aspects, but they also contribute to the problem of assaults occurring in public places.¹⁷⁶

The development of entertainment precincts has often been pursued as an economic development strategy. Hadfield and Measham suggest that the 'alcohol-driven leisure market is a key component of local economic regeneration in post-industrial Britain and has come to dominate towns and cities after dark' (2009, p.20). This is also true of Victoria, as reflected in the development of such precincts in the Melbourne CBD, in inner suburban local government areas (LGAs) such as Stonnington and Yarra, and the smaller but still concentrated precincts that can be found in most regional cities.

The State government and the Melbourne City Council promote inner Melbourne as a multidimensional entertainment precinct. It is viewed as 'the entertainment precinct for the state...and as one of a number of really significant entertainment precincts in the country'.¹⁷⁷ Melbourne's nightlife is an integral part of its personality and liveability. It attracts national and international tourists and is a significant employer of Victorians.¹⁷⁸

The night-time environment in the Melbourne CBD is highly complex with 1500 licensed premises, including around 335 that are open after 1.00am.¹⁷⁹ Melbourne City Council takes pride in the fact that large numbers of people visit Melbourne to enjoy the vibrant nightlife and estimates that up to 300,000 people come into the CBD on a typical Saturday night.

Most are having a wonderful time, with 'tremendous numbers of young people behaving very responsibly'.¹⁸⁰ Bar owners and operators see themselves as part of an entertainment

¹⁷⁶ As Mr Michael Livingston told the Committee: 'You certainly have higher rates [of violence] in the suburbs that have entertainment districts. The Stonningtons and Melbournes and Yarras have higher rates of public violence because they have people pumped into a small area and wandering around late at night'. Evidence of Mr Michael Livingston, Research Fellow, Turning Point Drug and Alcohol Centre, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

¹⁷⁷ Evidence of Ms Colleen Lazenby, Manager, Community Safety and Wellbeing, City of Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Melbourne, 7 October 2009.

¹⁷⁸ The industry employs around 80,000 people in Victoria. Evidence of Ms Julianne Brennan, Director, Responsible Alcohol Victoria, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

¹⁷⁹ Evidence of Ms Colleen Lazenby, Manager, Community Safety and Wellbeing, City of Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

¹⁸⁰ Evidence of Ms Colleen Lazenby, Manager, Community Safety and Wellbeing, City of Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Melbourne, 7 October 2009. However, Mr Brian Kearney, CEO for the Australian Hotels Association, questioned the figure of 300,000, claiming that if all venues were at capacity they could accommodate no more than 100,000. Evidence of Mr Brian Kearney, CEO, Australian Hotels Association Victoria, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

industry that not only sells alcohol but also provides positive opportunities for socialising.¹⁸¹

The City of Geelong likewise sees its entertainment precinct as central to the economic development and general liveability of the region. Mr Steve Bentley, Place Manager for Central Geelong, told the Committee: ‘Our objective for Geelong and the waterfront or for the region is for it to be a great place for people to visit and to work and to live and be prosperous, ... part of that is having a nightlife’.¹⁸² This point was reiterated by a Geelong nightclub owner who noted the value of Melbourne’s worldwide reputation for a vibrant nightlife, and the importance of emulating that in Geelong: ‘we want to make sure Geelong has a vibrant nightlife and people feel safe to come to Geelong because it is very important to our economy’.¹⁸³ On a busy Saturday night there can be up to 5000 people out in Geelong’s entertainment precinct.¹⁸⁴

Many other regional cities also have entertainment precincts. Ballarat has an entertainment precinct with 11 venues licensed to trade past 1.00am, and more than half a dozen that trade until 5.00am.¹⁸⁵ There are venues that can accommodate over 1000 people and most are concentrated in a small area within walking distance of each other.¹⁸⁶ People from surrounding towns come into Ballarat for the late-night venues. The entertainment precinct in Bendigo contains eight nightclubs within a seven-block radius, which when full can accommodate around 4000 people.¹⁸⁷ Frankston CBD has four licensed premises on one intersection and like other regional centres attracts visitors from surrounding areas on Friday and Saturday nights.¹⁸⁸

While there are undoubted positive aspects to entertainment precincts in terms of attracting tourists and residents to an area, the problem arises of how to manage the potential social problems that accompany the mix of alcohol with high concentrations of people in a restricted area.¹⁸⁹ In Ballarat, increased assaults are associated with the concentration of

¹⁸¹ Evidence of Mr Vernon Chalker, President, Association of Liquor Licensees Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

¹⁸² Evidence of Mr Steve Bentley, Place Manger for Central Geelong, City of Greater Geelong, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

¹⁸³ Evidence of Mr Mario Gregorio, Owner Home House Club, Member Geelong Accord, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

¹⁸⁴ Evidence of Mr Steve Bentley, Place Manger for Central Geelong, City of Greater Geelong, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

¹⁸⁵ Evidence of Snr Sgt Tim Argall, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

¹⁸⁶ Evidence of Snr Sgt Tim Argall, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

¹⁸⁷ Submission from Bendigo Safe Community Forum Inc to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

¹⁸⁸ Evidence of Mr Geoff Cumming, Manager Compliance and Safety, Frankston City Council, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Frankston, 26 October 2009.

¹⁸⁹ See for example: Evidence of Assistant Commissioner Stephen Fontana, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009. Mr Geoff Munro drew attention to the situation in Scotland where deregulation of licensing and growth in the night-time economy has led to similar problems with violence as being experienced here. Evidence of Mr Geoff Munro, National Policy Manager, Australian Drug Foundation, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

late-night venues in the CBD, with police statistics indicating a concentration of alcohol-related problems on Friday and Saturday nights and the early hours of Sunday morning.¹⁹⁰ In Bendigo, assaults are concentrated around the two streets where nightclub activity is centred, with ambulances frequently being called to the area.¹⁹¹ In Shepparton, ‘intoxicated people roaming the late night entertainment precinct, coupled with a shortage of taxis, further compounds issues concerning assaults, violence and crimes against the person’.¹⁹²

With large numbers of people coming into Melbourne and regional cities to participate in the entertainment precinct environment, it is not surprising that public drunkenness and the consequent potential for conflict and aggression is increasing. The Committee heard from witnesses across the state of the need for strategies to ameliorate tensions arising in the night-time environment and to police the crowds that frequent this environment.¹⁹³

The drinking environment

An issue related to the growth of the night-time economy and entertainment precincts is the influence of specific drinking environments on the likelihood of violence occurring. Evidence provided to the Committee suggests that the physical and social environment within licensed premises has the potential to either exacerbate or ameliorate the type of situations that can lead to assaults. For example, Mr Geoff Munro, National Policy Manager for the Australian Drug Foundation, told the Committee that very large venues, venues that are poorly designed such that supervision is difficult, and staff who behave aggressively, are all factors conducive to assaults occurring.¹⁹⁴ Similarly, Mr Michael Livingston listed the following characteristics of licensed premises as risk factors for violence:

- Venues that are untidy, crowded, hot and noisy;
- High rates of intoxication (‘mass intoxication’); ...
- Queuing (both at the bar and getting into the venue) and people milling around outside after closing;
- Aggressive security staff, arbitrary entry/rejection policies;
- Size and internal design also seem to be important.¹⁹⁵

¹⁹⁰ Evidence of Inspector Gerry Rudkins, Manager, Ballarat Police Service Area, given to the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Reduce Assaults in Public Places in Victoria*, Public Hearing, Ballarat, 28 October 2009. Snr Sgt Argall suggested that ‘whenever you have a concentration of venues and increased supply with increased trading hours and all of that, an increase in assaults goes hand in hand with it’. Evidence of Senior Sergeant Tim Argall, Victoria Police, given to the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Reduce Assaults in Public Places in Victoria*, Public Hearing, Ballarat, 28 October 2009.

¹⁹¹ Submission from Bendigo Safe Community Forum Inc to the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Reduce Assaults in Public Places in Victoria*, October 2009.

¹⁹² Submission from Greater Shepparton City Council to the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Reduce Assaults in Public Places in Victoria*, October 2009.

¹⁹³ See for example: Evidence of Mr Geoff Cumming, Manager Compliance and Safety, Frankston City Council, and Evidence of Inspector Ron Cooke, Manager, Operation Razon, Victoria Police, Frankston, given to the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Reduce Assaults in Public Places in Victoria*, Public Hearing, Frankston, 26 October 2009.

¹⁹⁴ Evidence of Mr Geoff Munro, National Policy Manager, Australian Drug Foundation, given to the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Reduce Assaults in Public Places in Victoria*, Public Hearing, Melbourne, 8 October 2009.

¹⁹⁵ Evidence of Mr Michael Livingston, Research Fellow, Turning Point Drug and Alcohol Centre, given to the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Reduce Assaults in Public Places in Victoria*, Public Hearing, Melbourne, 7 October 2009.

While some venue owners are keen to provide a safe environment for patrons to socialise, the Committee also heard about ‘problem’ or ‘rogue’ venues that operate in a manner that is not best practice.¹⁹⁶ Research confirms that ‘in any given area a small number of outlets can be responsible for a disproportionate number of incidents of alcohol-related harm’ (Morgan & McAtamney 2009, p.5). Furthermore, the role of management in setting the tone of the establishment was highlighted in evidence provided to the Committee. Noting the existence of problem venues, Mr Bryan de Caires, from the Australian Security Industry Association, said: ‘I think the culture of any premises comes from the licensee. They drive a lot of it, they know what sort of establishment they want’.¹⁹⁷

Bringing together a range of research based evidence, Morgan & McAtamney have summarised the risk factors related to a licensed premises in a Table 6.2.

¹⁹⁶ See for example: Evidence of Ms Karen Watson, Manager, Corporate and Community Planning, City of Stonnington, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

¹⁹⁷ Mr Bryan de Caires, CEO, Australian Security Industry Association, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Sydney, 30 November 2009.

Table 6.2 Risk factors and licensed premises

Patron characteristics	Venue characteristics	Social environment	Staffing characteristics	Wider environment
Heavily intoxicated	Queues or line ups outside the building	Heavy drinking and high levels of intoxication	High proportion of male staff	High density of licensed premises
Greater proportion of males	Patrons hanging around outside venue at closing	Generally permissive environment with high levels of rowdy behaviour	Low staff-to-patron ratio	High levels of movement in and out of premises
Presence of males in groups, especially strangers to one another	Queues for public transport	Expectation that aggression will be tolerated	Lack of responsible serving practices	Entry and ejection practices for aggressive patrons
Heavy drinkers	Venues with larger capacity	Hostile atmosphere	Refusing service to already intoxicated patrons	Unfair or confrontational entry practices
Younger patrons, including those that are underage	Poorly maintained and unpleasant décor	Macho culture	Drinking by staff	Conflict between social groups emerging from or congregating around venues
Greater proportion of unkempt patrons and patrons from marginal groups	Unclean or messy	Patron boredom	Greater number of staff adopting confrontational approach to venue management	Poor management of cluster points such as bus stations, taxi ranks, food outlets
Patrons exhibiting signs of being less agreeable, more impulsive and angry	Poor or low levels of lighting	Underage drinking	Aggressive security staff	Congestion points as crowds leave venues (especially at closing time)
	Crowding that inhibits movement around the venue, including around the bar	Presence of competitive games	Poor coordination of staff	
	Frequent patron movement	Dancing	Poor monitoring and control of minor incidents	
	Higher noise level	Sexual activity, contact and competition	Limited ability to control or defuse situations	
	Poor ventilation and high temperature	Drink promotions	Lack of professionalism by security staff	
	Inadequate or uncomfortable seating	Limited availability of food	Serving several drinks to patrons at closing	
	Inconvenient access to the bar	Other illegal activities, such as drug dealing	Younger security staff	

Source: *Morgan & McAtamney 2009, p.5.*

Social and cultural factors

While alcohol, drugs and aspects of the night-time entertainment environment contribute to the incidence of assaults in public places, there are other social and cultural factors that also clearly play a role. As noted above, alcohol consumption is neither a necessary or sufficient cause of aggression, but rather contributes to aggression when it is found in combination with other individual and social factors such as an individual's willingness to behave aggressively, a context that is conducive to aggression and a culture that tolerates aggression.

On the broadest social and cultural level a range of factors can be identified as contributing to violence. The Drugs and Crime Prevention Committee's report into *Strategies to Prevent High Volume Offending Among Young People* provided an extensive analysis of the role that social, economic and cultural factors play in contributing to youth crime (Drugs and Crime Prevention Committee 2009). These factors also contribute to the incidence of assault.

The Committee visited Dandenong, Frankston, Ballarat and Geelong – all regions seen as facing a problem with assaults in public places – to gather evidence for the Inquiry. These regions also have high rates of disadvantage. Referring to a 30 per cent rise in assaults in the City of Greater Dandenong between 2007/2008 and 2008/2009, Springvale Monash Legal Service suggests this is due to the high level of disadvantage in the area, pointing out that:

- There is a considerably lower level of fluency in English than in metropolitan Melbourne;
- More young people leave school early when compared with metropolitan Melbourne;
- Unemployment is considerably higher than metropolitan Melbourne;
- Income levels are considerably lower than metropolitan Melbourne; and
- Crime rates are considerably higher than metropolitan Melbourne.¹⁹⁸

The City of Greater Dandenong also has high rates of family violence, which can contribute to assaults occurring in public places, as children grow up in homes where violence is considered normal.¹⁹⁹

In Frankston the Committee heard that low socio-economic standing, unemployment and a general lack of activities for young people contribute to the problem of young people 'hanging around' and potentially becoming involved in violence.²⁰⁰ Likewise, in Ballarat the Chair of the Community Safety Advisory Committee suggested that structural determinants such as 'socio-economic status, availability of opportunities for education

¹⁹⁸ Submission from Springvale Monash Legal Service to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009. See also: Evidence of Mr David Batten, Melbourne Nightclub Owners Forum and member Greater Dandenong Alcohol and Drug Action Committee, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Springvale, 26 October 2009.

¹⁹⁹ Evidence of Ms Kara Dunn, Team Leader, Community Development, City of Greater Dandenong, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Springvale, 26 October 2009.

²⁰⁰ Evidence of Ms Karin Hann, Executive Officer, Frankston Business Chamber, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Frankston, 26 October 2009.

and employment, disposable income, housing and access to public transport' influence levels of violent crime.²⁰¹

Related to the discussion of social disadvantage as a factor contributing to violence is the finding that many young perpetrators of violent crimes have been or are also victims of violence. A submission from Youthlaw notes that 'where a young person is both an offender and a victim, victimisation often comes first, then criminal behaviour'.²⁰²

Areas with high levels of poverty and disadvantage are also often areas with high levels of ethnic diversity. Combined, these factors can contribute to tensions and violence. Race-based discrimination undermines intercultural relations and has been found to be associated with peer violence among young people.²⁰³ Young people from refugee and migrant backgrounds often experience harassment, teasing and violence, which can lead to retaliatory violence.²⁰⁴ In Dandenong, the Committee heard about tension between various groups of young people in the area that were based at least in part on ethnic identity.²⁰⁵

Broad social change and attitudinal shifts are also thought to contribute to increased levels of violence. The Committee received evidence that a generational change in attitudes to violence is occurring, and that this is in part due to parents abrogating their responsibility to set boundaries and provide positive role models around responsible drinking and non-aggressive behaviour.²⁰⁶ Parental role models are seen as particularly relevant in relation to the development of a culture of binge drinking and pre-loading among young people. One witness commented: 'Young people are not plucking this out of thin air. They are learning it from adults, about loading up and getting smashed and that a great night is a drunk night'.²⁰⁷ In defence of parents, however, another witness talked about changes in work and family life that mean parents have more demands on their time. These demands lead to a reduction in family and community-based activities and intergenerational socialising where

²⁰¹ Evidence of Mr John Fitzgibbon, Chair, Ballarat Community Safety Advisory Committee, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009. A Submission from Brimbank City Council also identified an increase in social disadvantage as a factor conducive to violence. Submission from Brimbank City Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, November 2009.

²⁰² Submission from Youthlaw to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

²⁰³ Submission from VicHealth to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

²⁰⁴ Submission from Centre for Multicultural Youth and Youth Affairs Council of Victoria to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, November 2009. The submission cites longitudinal research carried out by the LaTrobe Refugee Research Centre, which found racist bullying to be a major cause of violence.

²⁰⁵ Evidence of Inspector Caroline West, Manager, Dandenong Police Service Area, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Springvale, 26 October 2009.

²⁰⁶ See for example: Evidence of Mr John Fitzgibbon, Chair, Ballarat Community Safety Advisory Committee, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009. A submission from Brimbank City Council pointed to a 'lack of general respect within the community' as part of the social conditions they see as conducive to violence: Submission from Brimbank City Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, November 2009.

²⁰⁷ Evidence of Ms Lisa Armstrong-Rowe, Community Safety Officer, City of Greater Geelong, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

young people might learn more appropriate attitudes and behaviours, particularly in relation to alcohol consumption.²⁰⁸

The Committee also received evidence of other social/cultural factors that may contribute to a general acceptance of violence and aggression. They include:

- the impact of violence in the media and computer games; and²⁰⁹
- the condoning – and even celebration – of violence and excessive drinking in male sports.²¹⁰

The role of masculinity

While there is some evidence of an increase in the number of young women involved in violent crime, it is still the case that the majority of perpetrators of assault, particularly assaults occurring in public places, are young men.²¹¹ This indicates that masculinity is in some way implicated as a factor contributing to aggression. A recent VicHealth review of alcohol and interpersonal violence suggests that cultural conceptions of masculinity contribute to alcohol-related violence in both private and public settings:

Concepts such as honour and social respect are significant for male drinkers, but the substance or content of these varies depending upon different individual and group masculinities in varying social circumstances. These relate to situational variables as well as cultural norms (Powell, White, Lloyd, O'Rourke & Miller 2010, p.2).

The need to take the role of masculinity into account is also supported by the research conducted by Chikritzhs and Liang (2010) into the impact of alcohol availability on assaults. While not the primary focus of their research, the results clearly demonstrate the significance of gender. They found that when the proportion of young males in an LGA increases so does the incidence of assault:

For a 1 per cent increase in the proportion of males aged 15–24 yrs, the number of assaults in an LGA increased between 15 per cent and 26 per cent. Notably, young males most strongly predicted assaults occurring at 'other places', about 42 per cent of which occurred in a street (Chikritzhs & Liang 2010, p.7).

A perennial question is whether male aggression is biologically or socially determined. Without going into the detail of that debate here, it seems likely that both social and biological factors are involved. As with alcohol, being male is neither a necessary nor

²⁰⁸ Evidence of Ms Carolyn Barrie, Director Community Wellbeing, City of Ballarat, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

²⁰⁹ See for example: Evidence of Mrs Binky Henderson, Parent Advocate, S-Smart Parents, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009; Submission from Brimbank City Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, November 2009.

²¹⁰ Evidence of Mr Geoff Munro, National Policy Director, Australian Drug Foundation, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

²¹¹ See Chapter 2 of this Report. See also: Professor Don Weatherburn, Director, NSW Bureau of Crime Statistics and Research, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Sydney, 1 December 2009; Evidence of Mr Jono Chase, Step Back Think, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

sufficient cause of aggression. However, in developing strategies to reduce the incidence of assaults occurring in public places, the role that ‘social norms and expectancies [play] in relation to masculinity and alcohol need to be addressed’ (Powell et al 2010, p.3).

Conclusion

The factors that contribute to assaults occurring in public places are complex and multiple. However, a consistent theme within the evidence gathered by the Committee is the major role played by alcohol, particularly in the context of the growth in entertainment precincts and the night-time economy. Social and cultural factors are also clearly important. They influence drinking cultures and patterns of socialising that are related to the role alcohol plays in precipitating assaults. They also form part of a broader explanation for the occurrence of violence in society.

Recommendation

The Committee recommends that the Victorian Government commission research into the prevalence of alcohol being consumed in combination with stimulant drugs such as amphetamines or caffeine based drinks, and the potential for such combinations to contribute to violent behaviour. (*Recommendation 32*)

Recommendation

The Committee recommends that the Victorian Government collect alcohol sales data. (*Recommendation 33*)

Part B – Strategies to Reduce Assaults in Public Places

7. What Works? – Applying Best Practice and Evidence-based Interventions

Introduction

It has become increasingly apparent that there is a scientific basis to support alcohol-related harm reduction initiatives, including those pertaining to the level of alcohol-related assault and violence in a community. Unfortunately the history of policy development in this area has been more often than not a story of public health advocates ‘unsuccessfully opposing policy moves that were not supported by the research evidence’ (Babor et al 2010, p.228). Despite such negative accounts, over the last 10 years there has been a growing understanding that to reduce alcohol-related harm, including violence, government and policy-makers must incorporate those programs and interventions that are known to have some success and jettison, or at least not overly rely on, interventions that have had minimal effectiveness.

In discussing assaults in public places the Committee did not seek to limit the scope of the inquiry to alcohol-related assaults.²¹² Nonetheless, the majority of evidence collected, and the concerns held by witnesses and those who provided submissions to the Inquiry, did tend to relate to this aspect of violence. Likewise the Committee had no intention on focusing only on strategies aimed at reducing harm and violence that is alcohol-fuelled. Yet similarly, much of the literature and the programs and interventions developed to deal with assaults and other violent crimes does in fact relate to this issue. There are of course other policy and program interventions or strategies aimed at addressing forms of violence that are not necessarily alcohol-related. For example, a raft of interventions based in ideas of restorative justice and/or diversionary programs have been developed to address youth crime and young people’s violent behaviour. Similarly, many programs have been developed to deal with domestic or family violence. Such interventions, however, can often be ad hoc and not developed in as scientific or as systematic way as some of the approaches discussed in this chapter.²¹³

²¹² As discussed Chapter 1 of this Report.

²¹³ For discussion of initiatives to address young people’s crime and antisocial behaviour see Drugs and Crime Prevention Committee 2009, *Inquiry into strategies to prevent high volume offending and recidivism by young people*.

Interventions to address alcohol-related violence in their policy and political context

Interventions to address alcohol-related harm do not exist in a vacuum. They need to be placed and understood in their policy, political and social contexts.

Policy-making is in this, as with all areas of social administration, so often an arena of competing interests, priorities, values and ideologies. For example, in addressing disorder and antisocial behaviour in public places, the appropriate measures may depend on who is framing the issue and how the problem is perceived. Thus move-on powers may be a tool for police to minimise potential violence and assaults or alternatively may be seen as an unjustified and oppressive way in which to harass young people.²¹⁴

The other major player with regard to policy formation and possible policy solutions is the media. The media can often influence policy by the way in which they frame an issue. This is particularly true of areas as emotive as violence and assault. For example, the media's coverage of alcohol-fuelled and alcohol-related assaults throughout the course of this Report has certainly stimulated interest in the issue and to a certain extent has set the agenda for a heightened interest in alcohol-related violence and (solutions to it) from all sides of the political and social divide.²¹⁵

Best evidence and what works?

It has been found that alcohol policy is rarely dictated by scientific evidence, despite major advances in the understanding of drinking patterns, alcohol-related problems and policy interventions. Though a gap exists between the research and subsequent translation into policy action, it is worth noting that research can provide policy-makers with concrete evidence as to which policies are most likely to achieve their desired goals. Similarly, well conducted research can indicate which interventions are 'likely to be less effective or even useless, diversionary and a waste of resources' (Babor et al 2010, p.239). Whether harm reduction policies and programs result from science alone or some combination of other factors, it is important that their outcome be subjected to scientific scrutiny. It is only by doing so that one can determine where policies are successful in attaining a desired outcome and deserving of replication, where modifications may be needed to improve the success of a policy, or where policies should be discarded (World Health Organization 2004).

The importance of science

Over the last 10–15 years there has been significant growth in scientific research on alcohol and its related harms. Such research is not restricted to medical matters but also includes a significant extension of research into economic, policy, sociological and legal issues. Increasingly, particularly over the last 10 years, rigorous research and evaluation

²¹⁴ See discussion in Chapter 9.

²¹⁵ For a discussion of the media and alcohol-related harm and violence see Babor et al 2010, p.234–235; Room 2004. See also the discussion in Chapter 3.

have shown that there are some interventions in alcohol policy that are demonstrably more effective than others.²¹⁶

For example, our knowledge of the effectiveness of alcohol control and law enforcement measures, and of the general ineffectiveness of school based alcohol education to prevent alcohol-related harm, is based on the accumulation of evaluation studies in each of these areas²¹⁷ (Graham & Homel 2008; Babor et al 2010). According to the Australian Drug Foundation (ADF), however, the ability to develop good evidence based policies is hampered to a certain extent by the inability to access comprehensive data, in this case alcohol sales data.²¹⁸

There are now, however, a number of research studies and texts that have investigated, evaluated and rated the programs, initiatives and interventions that clearly work in reducing alcohol-related harms; those that show some promise but need further testing and/or evaluation; and those that are clearly ineffective.²¹⁹

Rating the effectiveness of interventions to address alcohol-related harm including violence

The most recent major study to address alcohol-related harms is a volume sponsored by the World Health Organization, *Alcohol: No ordinary commodity: Research and public policy* (Babor et al 2010). First published in 2003, this accumulation of the scientific and evidence based literature to date has become one of the leading texts on alcohol policy worldwide. It is influential for its ‘grading’ system whereby a variety of environmental and other related policies, programs and research projects are judged on objective scientific and

²¹⁶ The policies and programs that have been presented as either being optimal in achieving reduction of alcohol-related harms (or, conversely, least effective) are discussed below. See also Table 7.1 in this chapter. Of course, often what counts as effective or counter-effective will depend on who is making the proposition.

²¹⁷ An example of scientific research contributing to effective policy is the implementation of random breath testing in Australia to reduce motor vehicle accidents and road trauma (see Homel 1993). In addition, the scientific research findings on the link between alcohol consumption and brain development were key factors in the raising of the minimum alcohol purchasing and drinking age to 21 in the USA. ‘The process of communicating key research findings to policymakers influenced the adoption of an effective policy ... which was later confirmed by further research’ (Babor et al 2010, p.236).

²¹⁸ The Australian Drug Foundation (ADF) has argued that Victoria’s inability to collect sales data is a major setback. In a submission to this Committee it argues:

‘Policymakers need an accurate understanding of current levels of drinking for policy development and review. The most reliable data is sales data – information from wholesalers about the volume and type of alcohol purchased from them by all hotels, bars, nightclubs, etc. and the volume of alcohol sold to the public by licensed retailers. This data is the most accurate indicator of alcohol consumption in a state and can be analysed at the level of region, town and suburb to allow an accurate comparison between communities. Such accurate and comparative data will assist the work of liquor licensing and law enforcement services, as well as planning and implementation of prevention, treatment and other health services’.

The Ministerial Council for Drug Strategy has commissioned the National Drug Research Institute (NDRI) to undertake a National Alcohol Sales Data Project to establish protocols for the future collection of wholesale data by all jurisdictions. The ADF argues that the project requires the support of all jurisdictions and as such the ADF hopes that the Victorian government ‘will support the work as it offers great benefit to policymakers, legislators and practitioners alike’. (Submission of ADF to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.)

For a discussion of the importance of alcohol sales data in this context, see Chapter 11.

²¹⁹ See discussion later in this chapter.

research based principles to see what works and perhaps more importantly what doesn't work.²²⁰

The grading system rates the interventions subject of the study. The Table in Appendix 8 provides the ratings for each of the strategies and interventions reviewed during the course of the research.

The ratings are based on three major criteria:

- Evidence of effectiveness;
- Amount of research support; and
- Extent of testing across diverse countries and cultures (Babor et al 2010, p.239).

With regard to effectiveness the following rating scale was used:²²¹

0	Evidence indicates a lack of effectiveness;
+	Evidence for limited effectiveness;
++	Evidence for moderate effectiveness;
+++	Evidence for a high degree of effectiveness; and
?	No controlled studies have been undertaken or there is insufficient evidence upon which to make a judgement. ²²²

Breadth of research support was evaluated independently of the effectiveness rating as follows:

0	No studies of effectiveness have been undertaken;
+	One or two well-designed effectiveness studies completed;
++	Several effectiveness studies have been completed, sometimes in different countries, but no integrative reviews were available; and
+++	Enough studies of effectiveness have been completed to permit integrative literature reviews or meta-analyses. ²²³

Finally, cross-national testing means that the evidence for a particular intervention was drawn from studies conducted in 'different countries, regions, subgroups, and social classes' (Babor et al 2010, p.241).

0	The strategy has been studied in only one country;
+	The strategy has been studied in at least two countries;
++	The strategy has been studied in several countries; and
+++	The strategy has been studied in many countries. ²²⁴

²²⁰ Important, particularly in the sense that if a policy, however popular or politically acceptable, can be shown to be ineffective it would be senseless to pump financial and other resources into its implementation or perpetuation.

²²¹ The discussion as to what counts as effective is based on a highly sophisticated and technical methodology that is beyond the scope of this Report. For a discussion see Babor et al 2010, pp.240ff.

²²² Babor et al 2010, p.241.

²²³ Babor et al 2010, p.241.

²²⁴ Babor et al 2010, p.241.

On the basis of their rating system the authors categorised what they believe to be the 10 most effective (ie. evidence based) policies or interventions to address alcohol-related harms. Two or more pluses on each of the three evaluation criteria ‘can be considered an indication of consistently good performance’ (Babor et al 2010, p.242). The interventions that meet these requirements are listed as follows:

- minimum legal purchase age;
- government monopoly of retail sales;
- restrictions on hours or days of sale;
- outlet density restrictions;
- alcohol taxes;
- sobriety check points;
- lowered blood alcohol content (BAC) limits;
- administrative licence suspension;
- graduated licensing for novice drivers; and
- brief interventions for hazardous drinkers.

At the other end of the spectrum, educational and public service or community message campaigns about drinking (and violence) were not rated highly. Education strategies have moderate to high costs because of the training, implementation and publicity requirements of these programs and yet there is only weak evidence as to their effectiveness (Babor et al 2010, p.251).

A final factor in this review was *cost*. The authors examined the cost of implementing and sustaining a particular policy regardless of its effectiveness or otherwise. Needless to say the ideal program or intervention is going to be one that is highly effective yet relatively inexpensive to implement or sustain. Yet as Babor et al state:

Cost estimates can only be very rough guides to policymakers because the true costs of the strategy or intervention for the state may depend on a number of factors. For example, the initial costs of implementing a training program with licensed premises may be moderate for the state but ultimately these costs may be eliminated by passing them on to the consumer (Babor et al 2010, p.241).

Initial outlays for effective programs may also be expensive yet in the long-term result in substantial savings to the public purse and/or the private sector. For example, ‘Enhanced enforcement by the police and regulatory authorities may involve substantial costs, but for effective programs these costs may be offset entirely by cost savings in health services due to the reduction in problems’ (Babor et al 2010, pp.241–242).²²⁵

²²⁵ Economic modelling by the World Health Organization examined the health and cost benefits of the types of interventions reviewed by Babor et al 2010. The health benefits of the interventions were expressed in disability adjusted life years saved relative to a hypothetical situation of no alcohol control measures in the population. On this basis population level alcohol policies (eg pricing, availability, taxation) were most cost-effective, whereas school based education and mass media strategies were not cost-effective because they did not affect alcohol consumption or health outcomes. For further discussion, see Anderson et al 2009.

National Drug Research Institute (NDRI) – Restrictions on the Sale and Supply of Alcohol: Evidence and Outcomes

The NDRI has more recently undertaken an extensive review of the international, national and local studies on alcohol restrictions and their effect on preventing or reducing alcohol-related harms (including violence). The restrictions in question related primarily to the economic and physical availability of alcohol. In this context economic availability refers to the price of alcohol in relation to the disposable income of drinkers and physical availability refers to the ease with which individuals can obtain alcohol in their local environments (NDRI 2007).

The study’s prime objective was to ascertain ‘what works and where’. Other specific objectives were to:

- determine the effectiveness of past and existing restrictions on the sale of alcohol drawing from a range of national and international studies, reviews and evaluations;
- identify current best practice in relation to restrictions on the physical supply or availability of alcohol; and
- identify the key factors that determine whether or not restrictions on sale and availability of alcohol are effective in both the short and long-term and in metropolitan, rural and remote communities.

As with the Babor study, NDRI has developed a set of ratings to measure the effectiveness of each type of restriction or intervention. These ratings are set out as follows:

✓✓	Strong evidence for positive outcomes including substantial and/or compelling concurring evidence of effectiveness in an Australian context;
✓	Evidence for positive outcomes, may need ongoing substantial functional support;
?	Current evidence unclear or insufficient to conclude causality. Requires and warrants further investigation; and
×	Evidence repeatedly indicates absence of reliable positive effect or restriction on alcohol consumption and/or alcohol-related harms. In some instances, there may be evidence of counter-productive outcomes (NDRI 2007, p.xix).

The study found that the measures that would be most likely to effectively reduce alcohol-related harm, including violence, (two ticks allocated) are:

- restrictions on economic availability of alcohol through taxation and pricing;
- restrictions on hours and days of sale for licensed premises; and
- restrictions on the legal drinking age for purchase or consumption of alcohol.

One tick (evidence for positive outcomes) was allocated to measures for:

- restrictions on access to high risk alcoholic beverages (such as spirits);
- restrictions on the outlet density of licensed premises; and

- restrictions on the ownership of private liquor licences and the direct government control of liquor controls.

Importantly in the context of this Inquiry, measures such as liquor accords and responsible serving of alcohol (RSA) programs²²⁶ were only given one tick or viewed as moderately effective *when* they were accompanied by stringent methods of enforcement. Otherwise they were given a cross and seen as ineffective.

The Prevention of Substance Use, Risk and Harm in Australia – Review of the Evidence Monograph

A comprehensive research study to examine best practice models to prevent and reduce drug related problems of all types was undertaken by Loxley et al for the NDRI in 2004. Whilst *all* forms of licit and illicit drugs were covered, the report also included a review of alcohol-related harms, including alcohol-related violence, and strategies to address them. The major thrust of the monograph was to look at ways in which these harms could be prevented in the first place through a series of supply, demand and reduction interventions. Firstly, the authors proposed the adoption of a *Protection and Risk Reduction* approach to prevention. This would provide a policy framework that amongst other approaches:

includes law enforcement as an essential element, not just for controlling the supply of drugs but also in influencing community values about drug use, diverting early offenders and acting to protect the community from crime and social disorder (Loxley et al 2004, p.55).

Secondly, the authors suggest that the Protection and Risk Reduction approach be implemented through a *systems approach* that acknowledges:

- the many levels of society at which there are influences on patterns of drug use and harm;
- the many levels at which interventions may be delivered; and
- the importance of consistency across levels and sub-systems to ensure a common understanding of influences and interventions (Loxley et al 2004, p.55).

Within this model, intervention at the *local community level* is of fundamental importance:

The local community is thus one of the primary levels at which planning needs to be integrated and coordinated. The local community offers:

- the potential for action to address some of the broad social determinants related to both social disadvantage and disconnection that underlie aspects of drug-related harm; and
- a promising arena for the coordinated implementation of evidence-based prevention strategies (Loxley et al 2004, p.55).

Table 7.1 sets out proposed objectives for different policy jurisdictions and operational settings within a Protection and Risk Reduction Approach to Prevention:

It indicates that an important goal for supply reduction strategies is the achievement of an integrated set of operations and activities at the community level: supporting synergies between supply control, demand reduction and harm reduction programs. Program

²²⁶ The study found that the jury was still out on lockouts which were awarded a ? rating. Much more evidence and evaluation will be necessary to confirm the short and long-term effectiveness or otherwise of lockouts.

objectives for children include use reduction and delayed uptake of use; while among adults, harm reduction goals become more prominent (Loxley et al 2004, p.57).

Table 7.1 Proposed objectives for different policy jurisdictions and operational settings within a protection and risk reduction approach to prevention

Setting	Supply control	Demand reduction / social improvement	Reduction of harm
National and State objectives	Co-ordinated policies and strategies for supply control. Integrated operation of border, drug (policies, laws and regulation), taxes and excise, social marketing and media controls.	Effective and co-ordinated policies and strategies for reduction of demand and social improvement. Integrated expenditure on health, mental health, welfare, education, prevention.	Effective and coordinated policies and strategies to reduce harm, including police (e.g. drink-drive programs), treatment programs (methadone), courts (diversion) and prisons.
Local community objectives	Effectively planned and locally coordinated supply reduction programs.	Well-planned and coordinated strategies for investment in social improvement and prevention. Reduction of local risk factors, enhancement of protective factors.	Effective and coordinated local strategies for reducing drug-related harms.
Local community activities	Licensing and enforcement, policing, distribution (alcohol, tobacco, other drugs).	Targeted early childhood programs. Parent education. Schools drug-education and organisation. Social opportunities and employment.	Community safety, needle exchange, alcohol server training.
Objectives for families and adults	The availability and price of drugs reflects evidence for their harms.	Enhanced social connection. Patterns of drug use within public health guidelines.	Reduction in risky drug use and harm.
Objectives for children and young people	Drugs are unfashionable and difficult to access.	Healthy social development.	Less drug use, delayed age of first drug use, less frequent and more moderate drug use.

Source: Loxley et al 2004, p.57.

The Loxley et al monograph, whilst broadly based in its approach and covering a wide number and types of drugs and substances other than alcohol, provides a useful framework for understanding alcohol-related problems, including violence, and strategies to address them across community, state and national levels.

Community views on measures to reduce alcohol-related harm

A number of community agencies have expressed concern to the Committee about the effect that the increasing level of availability of alcohol in the community has had on drinking levels and patterns and, in their view, the concomitant increases in alcohol-related

violence and other harms. The ADF has been particularly trenchant in its criticisms. Drawing from the research studies discussed above it comments in a submission to the Committee:

A substantial research literature has examined the impact of changes in alcohol availability on alcohol consumption and related harm. Studies examining significant changes in the number of outlets selling alcohol (usually through the introduction or removal of alcohol from supermarket shelves) have generally found substantial impacts on alcohol consumption, with similar effects on rates of alcohol-related harm. Studies of more gradual changes in the number of alcohol outlets have produced less definitive findings in terms of alcohol consumption, but there is a growing body of literature, both internationally and from Australia, that demonstrates strong links between alcohol outlet density and rates of alcohol-related problems – particularly violence. Using data for Melbourne from 1996 to 2005, Livingston found significant positive relationships between the three major licence types (general, on-premise and packaged liquor) and rates of police-recorded assault. Broadly speaking, this study demonstrated that areas in which alcohol outlets increase generally see increases in assaults, while areas in which outlet numbers decrease generally see fewer assaults. This is a consistent finding across a significant number of studies.

Similarly, there is good evidence that extending the trading hours of alcohol outlets results in increases in alcohol-related problems. In Western Australia, Chikritzhs and Stockwell examined the impact of granting hotels Extended Trading Permits, and found significant increases in rates of violence and motor vehicle crashes. These studies also demonstrated that increasing the trading hours of licensed premises substantially increased the amount of alcohol consumed on these premises. These findings have been supported internationally, with studies in Brazil, Canada, Iceland and the United Kingdom finding changes in alcohol-related harm following changes to trading hours. A study in New South Wales found that people living close to licensed establishments and people living in areas with a high density of licensed premises had the most problems with anti-social drunkenness and property damage.²²⁷

Mr Michael Livingston, Research Fellow with Turning Point Alcohol and Drug Centre in Melbourne, made similar observations when he gave evidence to the Committee in October 2009. Drawing from Turning Point's own research and the international studies mentioned in this section, Mr Livingston told the Committee that the research evidence as to 'what works' is now quite strong and that the following conclusions can reasonably be made:

- Alcohol is substantially involved in violent incidents.
- International studies have demonstrated that violence changes along with per capita alcohol consumption; thus policies that reduce alcohol consumption tend to reduce violence.
- Price is important; eg. a recent study in the UK found that a 1 per cent increase in the price of beer would reduce emergency presentations for violence incidents by 2000 per month.
- Studies consistently find, both internationally and locally, that suburbs with higher densities of alcohol outlets experience higher rates of violence.
- Reasonably consistent evidence that extending trading hours increases violence, while cutting trading hours reduces it.
- Lockouts have been tried in various jurisdictions with some reported success but have been the subject of very little rigorous evaluation.

²²⁷ Submission of ADF to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009. For further discussion of the research findings on the links between availability, density, pricing and alcohol-related violence, see Chapters 11 and 12.

- Effective policies and programs need to have systematic, targeted enforcement of liquor licensing laws.
- Community action plans that bring together local stakeholders, licensees and police to collaboratively produce changes in practice are most effective when coupled with vigorous enforcement. These approaches can be less effective if funding or support is short-term. Conversely, as in the Swedish STAD program, 10 years of ongoing funding has produced ongoing reductions in violence and has become integrated into day-to-day activities of police and licensing authorities.
- Linking programs and collection of place of last drink data have been shown to be effective.²²⁸

The importance of enforcement

One of the key factors to arise from the research evidence, at least with regard to those strategies that may have the potential to reduce or prevent alcohol-related violence, is the need for strong follow-up enforcement plans. As mentioned, the NDRI study found that interventions such as liquor accords and/or RSA programs were *only* potentially effective when police or other regulatory authorities enforced them stringently:

There is abundant evidence that enforcement by authorities (i.e. police and liquor licensing officials) is a crucial element among the range of factors needed for successful implementation of supply restrictions. The threat of enforcement must be perceived by the target group as a real and imminent possibility; therefore enforcement activity must be frequent, unpredictable, strongly publicised (e.g. media promotion) and ongoing. Restrictions applied to communities in remote settings are particularly prone to fall short of their full potential, simply because there are too few police, and alternative strategies may need to be considered in these places (e.g. special trained local liquor licensing officers; telephone hot-lines for reporting breaches) (NDRI 2007, p.xvi).

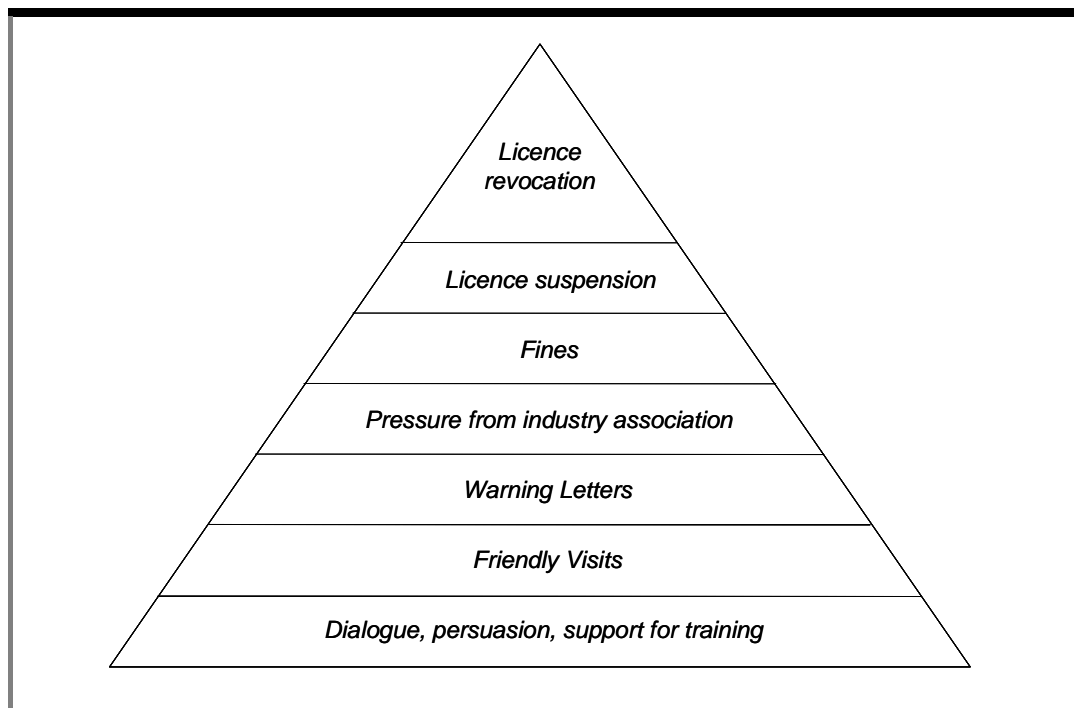
The Babor et al study found that rigorous enforcement is also extremely important for strategies that seek to alter the drinking context or regulate physical availability:

Passing a minimum purchasing age law, for instance, will have less effect than if it is reinforced with a credible threat to suspend or cancel the licenses of outlets that repeatedly sell to minors. Likewise training in responsible beverage service is unlikely to have any effect unless it is backed up by a threat to suspend the licenses of those establishments that continue to serve intoxicated patrons (2010, p.250).

Babor et al found that having a range of enforcement steps from facilitated self-regulation to licence revocation available to licensing authorities and police could be an effective way of ensuring licensed premises promoted responsible and safe drinking practices. The range of options that could be used, from the benign to the severe, are illustrated in the following enforcement pyramid for drinking practices (Figure 7.1).

²²⁸ Information provided in a presentation to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria by Mr Michael Livingston, Research Fellow, Turning Point, Alcohol and Drug Centre, Public Hearing, Melbourne, 7 October 2009.

Figure 7.1 An example of a simple enforcement pyramid for drinking establishments



Source: Graham & Holder 2008, p.254.

A review of the effectiveness of strategies to reduce alcohol-related violence by Graham and Homel (2008) also found that strict enforcement particularly by police plays a crucial role in the success of those strategies. This applies to randomised interventions that focus on highly visible enforcement of licensing laws by police according to a randomised schedule. It also applies to targeted enforcement whereby police rely on intelligence such as last drinking data to target problem drinking establishments.²²⁹

The best interventions may combine both types of approaches whereby most or all licensed premises in a given area may be randomly inspected at the same time that one or two ‘problem establishments’ are also targeted (Graham & Homel 2008, p.206). Unfortunately, however, Graham and Homel found there is ‘simply not enough evidence to make any recommendations about the optimal balance’. Much more research and particularly evaluation of these interventions is needed before conclusive results will be available (2008, p.235).²³⁰

The submission to this Inquiry by the ADF laments the apparent disregard for the liquor laws by many licensed premises and, in its view, the fact that many venues are not held properly accountable for serious breaches of the liquor laws.

²²⁹ For a discussion of ‘last drinks’ data and alcohol linking projects see Chapter 10.

²³⁰ Graham and Homel critique a number of randomised and targeted strategies that have sought to enforce liquor licensing laws to prevent or reduce alcohol-related violence. The most important of these in terms of what they can tell us about effective models are the very few that have been subject to systematic evaluation. Of these the 10-year ongoing STAD program (Stockholm Prevents Alcohol and Drug Problems) shows the most promise. For a discussion of STAD, see Chapter 15.

The need for evaluation

As has been consistently argued throughout this chapter, it is extremely difficult to vouch for the effectiveness of any intervention to address, prevent or reduce alcohol-related violence and other harms unless it has been sufficiently evaluated. Yet evaluation is a concept that too often has lip service paid to it, rather than being undertaken stringently according to a set of rigorous criteria. As NDRI has commented:

Well designed evaluations typically include a core set of characteristics: a complementary collection of reliable, relevant and objective data to ‘measure’ outcome; a comparison of measures taken ‘before’ and ‘after’ the implementation of the intervention; inclusion of a ‘control’ group or community that was not subject to the restrictions with which to compare to and help rule out alternative explanations; and the identification and consideration of other characteristics or interventions which might also be responsible for apparent outcomes. The application of objective and reliable evidence is crucial; undue reliance on personal opinion, conjecture and anecdote and other biased observations may create false impressions, ultimately leading to erroneous and, at worst, harmful decision making. Both evaluators and decision makers need to be aware that different indicators of alcohol-related harms will not necessarily respond to restrictions in a uniform manner (NDRI 2007, p.xix).

Because proper evaluation is an expensive exercise, too often programs may either not be evaluated at all or done in a second rate fashion leading to outcomes and results of dubious value. As Babor et al state: ‘Uninformed by science, and insufficiently monitored in all its outcomes, alcohol policy is often neither evidence based nor effective’ (2010, p.238).

The need for frameworks

Interventions should be universal and targeted

Researchers and practitioners in the public health field argue that the response to combat alcohol-related harms, including alcohol-related violence, requires a variety of skills, approaches and interventions. Such interventions may need to be applied on a universal level (for example nationally or at state level) or targeted to specific groups within the community. They also need to consider both the macro and micro social influences and determinants.²³¹ As stated in the alcohol framework developed for the Northern Territory government:

There is no single solution to reducing alcohol-related harm. Different types of harm require different responses, and these responses will be informed and altered by the patterns of consumption, the drinking context and the social and cultural sanctions that support or constrain drinking and drinking behaviour. Responses [may] include population level strategies such as supply restrictions, as well as more targeted strategies for particular groups such as treatment services (Northern Territory Government 2004, pp.24–25).

At the same time, for government policy development to be effective it must be ‘directed towards clearly articulated goals and better co-ordination mechanisms [must be] in place’ (Northern Territory Government 2004, p.24).

²³¹ For a discussion of social determinants of alcohol (mis)use, risk and protective factors and developmental pathways as integral aspects of public health and prevention polices to address alcohol misuse, see also Loxley et al 2004, pp.xiii ff.

The World Health Organization has completed a global review of alcohol policies of all its constituent members. In its report it stresses the need for the different yet complementary applicability of approaches that combine universality *and* selectivity even within the same unit of focus (country, state, region or even local community):

The existence of a wide range of alcohol policies is clear. And it is evident from research that measures are available that can significantly reduce alcohol-related problems and the resulting harm. These policies are enforced and combined differently in different countries to meet the needs of that particular country. However, there is clearly no single policy measure that is able to combat and reduce all alcohol problems. Rather, it is more effective to incorporate a range of measures in a comprehensive alcohol strategy. It is the policy 'mix' or finding the right balance that is the key in reducing the overall public health burden of alcohol consumption. The goal of a comprehensive, effective and sustainable alcohol policy can only be attained by ensuring the active and committed involvement of all relevant stakeholders. Alcohol strategies need a high degree of public awareness and support in order to be implemented successfully. Without sufficient popular support, enforcement and maintenance of any restriction is jeopardized, and resistance and circumvention are likely to develop. Many types of restrictions will, however, bring improvements in public health if there is a tradition of public support (Edwards et al, 1994).

A policy mix which makes use of taxation and control of physical access, supports drink driving countermeasures, and which invests broadly in treatment of alcohol use disorders and particularly in primary care, advertising restrictions and public awareness campaigns, is, based on all the research evidence, likely to achieve success in reducing the level of alcohol consumption problems (World Health Organization 2004, p.4).

The research therefore suggests that in developing an Alcohol Framework any strategies that address harmful alcohol consumption should incorporate *both* universal approaches based on a population or public health theory of alcohol-related harms and targeted interventions for specific populations and cultures.

The need for frameworks at international, national, state and community levels

Babor et al argue that '[a] national-level legislative and regulatory framework remains essential to the promotion of effective measures that curtail alcohol [and drug] related health and safety problems' (2010, p.229). To this end the trend in many (western) countries to overarching, well researched and strategic alcohol frameworks (either at a state/regional or national level) that coordinate action across and between government departments and the private sector, including *both* the community health sector and Industry, *is* a step in the right direction.²³²

The importance of community based approaches

Harm reduction policies that are devised or developed at national or state level may often have to be implemented at community level. Conversely, localised community action and development strategies are also seen as one of the most important ways of addressing alcohol-related harms at a population level. This is particularly crucial as governmental, national or state-wide units appear to be relying less on overall state control in western countries:

²³² The Australian National and the Victorian Alcohol Action Plan are two such examples. These are discussed at length in Chapter 8 of this report.

This has made it increasingly difficult to deal with population level alcohol problems by altering state policies and regulations. In this new environment of reduced state involvement, the community emerges as the natural vehicle for taking action against these problems (Midford 2004, p.3).

Academics such as Harry Holder in the United States and Richard Midford in Australia point to the importance of local communities (particularly utilising the stewardship of local government associations) addressing, responding to and solving alcohol-related harms such as aggression, assaults and violence as they are manifested at a local level.²³³

Factors militating against effective policy delivery

The popularity paradox

Some policies may be shown to be effective from a scientific base or be shown to reduce the harms associated with alcohol, but may not be popular or politically acceptable. The raising of the minimum drinking age to 21 in the United States may be one such example. Other policies that may be politically acceptable or even enthusiastically embraced, such as many school drug education programs, may not necessarily fulfill the expectations placed on them. As Ms Margaret Hamilton, former Director of Turning Point Alcohol and Drug Centre, stated:

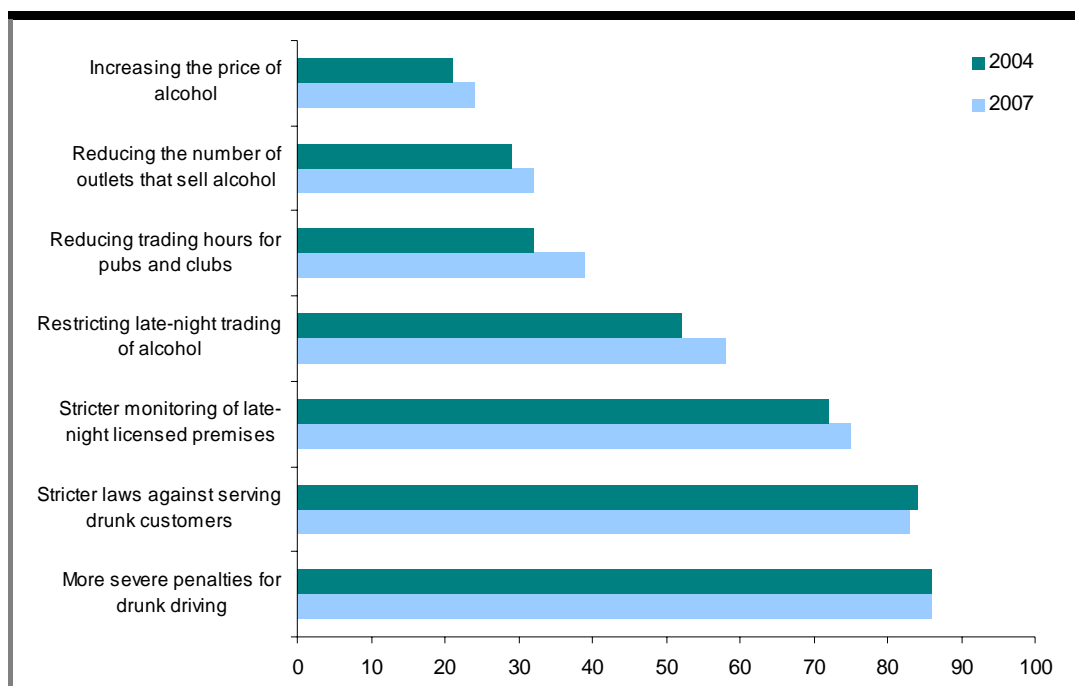
There is not a good correspondence between what is effective and what we like to do. Why? The simple answer is that effective strategies are opposed because they will hurt particularly economic interests, but also because they conflict with competing values and ideologies. A particular society has done what is easily accepted, and that makes the task of this committee especially hard. There are no easy wins left. All the easy things have already been done, so you will not get much more mileage or leverage out of a bit more tweaking of those easy things because they are not especially effective. We need all of us in the community, and our politicians, to get stronger because we have to somehow move the culture and the economic drivers and look for other analyses and values to help inform our future.²³⁴

It is interesting to compare the Babor et al findings with regard to the most effective interventions, discussed earlier, with a table published in the 2008 Australian National Drug Strategy Household Survey (ANDSHS). Table 7.2 outlines the level of support (or lack thereof) by the general public for a raft of alcohol policy measures similar to those listed in the table published by Babor and his colleagues.

²³³ Community action and community engagement approaches are discussed in Chapter 15.

²³⁴ Professor Margaret Hamilton, formerly Director, Turning Point Alcohol and Drug Centre, Address to the Drugs and Crime Prevention Committee, Alcohol Seminar, 18 May 2004.

Figure 7.2 Support for measures to reduce problems associated with alcohol measures, proportion of the population aged 14 years or older (%), Australia, 2004, 2007



Source: Australian Institute of Criminology, 2008. Adapted from Australian Institute of Health and Welfare 2008.

The 2004 ANDSHS survey of the Australian public showed that many of the evidence based policies that researchers have argued were the most effective in reducing alcohol-related harms were the *least* favoured by members of the public (increased price of alcohol, increased taxation, reducing sales outlets, reduced trading hours). Conversely, measures that were seen as specifically targeting ‘problem drinkers’ such as increased drink driving penalties or penalties for serving intoxicated customers were viewed more favourably.

In the 2007 survey, support for the measures favoured by the researchers was generally higher than in the 2004 sample. For example, there was an increase in ‘Restricting late night trading of alcohol’ from 51.9 per cent in 2004 to 58.0 per cent in 2007. Similarly, there was a noticeable increase in support for raising the legal drinking age, from 40.7 per cent in 2004 to 46.3 per cent in 2007, and a statistically significant increase of support for increasing the price of alcohol to reduce alcohol-related harm (from 20.9 per cent to 24.1 per cent). In almost all cases support for measures to reduce alcohol-related problems was higher amongst women than men. This was particularly the case for those measures most favoured by the research community.

Notwithstanding this increase in public support for alcohol-related harm reduction interventions between 2004 and 2007, it is still generally true that the measures most popular with the general public and arguably politicians can be ineffective or at least not as effective as policies that have support from the expert alcohol research community. Conversely, approaches proven to be effective may be unpopular. Garretsen and Van De Goor state that ‘the question whether alcohol policy measures are evidenced based can be

answered by stating that popular alcohol policy measures are not the most effective ones' (2004, p.144).

In a classic textbook on alcohol policy (Stockwell et al 2005), the editors, most of whom work within the Australian context, argue there are significant 'mismatches' between government policy and the current state of research based knowledge. Examples of these mismatches include:

- Substantial investment in the prevention of substance use patterns associated with the least harms
- Investment in ineffective and even counter-productive strategies
- Poor implementation of potentially effective strategies
- Governments not being prepared to test the public's willingness to allow effective regulation and enforcement of laws regarding sale and supply of legal drugs; and
- Governments not being willing to lead public opinion and implement policies that will prevent harm to people who continue to use illegal drugs (Stockwell et al 2005, p.xv).

Competing interests

The National Competition Policy

One of the factors that can impact upon the development of effective policies to address alcohol-related harms, at least according to some commentators, is the existence of the National Competition Policy (NCP).²³⁵

In the context of the availability and pricing of alcohol and the regulation of licensed premises the assumption is that the open market should determine the number, type and density of licensed premises. A submission to this Inquiry from the ADF in this respect states:

The ADF considers that treating alcohol as if it was "an ordinary commodity" and giving priority to the development of a competitive market in the alcohol industry rather than the public health consequences, is likely to increase alcohol consumption and alcohol-related problems. Liberalisation of alcohol cannot be ascribed merely to the advent of the NCP because some states began to deregulate before the NCP was established; however the NCP has been used by states as a rationale for liberalising further and countering the case for greater regulation. While competition policy has been understood by many stakeholders to form a barrier against greater regulation of the alcohol industry, the National Competition Policy allows for competition in alcohol to be restricted if it can be shown to be in the public interest.²³⁶

Academics from the NDRI have also been concerned about how the NCP defines the 'public interest':

²³⁵ Against a global background of micro-economic reform and deregulation, Australian state governments signed an agreement with the Commonwealth in April 1995 to overhaul, review and reform anti-competitive policies and regulations within their respective states and at federal level. As part of these agreements the states also agreed to remove barriers to competition:

'[u]nless they could demonstrate that retaining a particular restriction was in the public interest and could not be met by other means. Liquor licensing legislation was one area that was identified for review across jurisdictions' (Rosenzweig 2004, p.16).

²³⁶ Submission of ADF to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

Although the NCP has a ‘public interest’ test under which exemptions to its provisions can be made, this seems to be interpreted narrowly in terms of not selling alcohol to minors, preventing the sale of alcohol to intoxicated people and/or allowing only ‘fit and proper’ people to obtain liquor licences. While there is some agreement that such restrictions should be an integral part of licensing legislation, on their own and without effective enforcement they are inadequate (Loxley et al 2005, p.561).

To delineate what counts for the ‘public interest’ in these circumstances the ADF alongside other agencies has supported the call by the National Health Preventative Taskforce²³⁷ for an investigation into how the impact of competition policy on alcohol availability might be ameliorated.²³⁸

While the Committee recognises the financial advantages that a national competition policy may bring to the state’s economy, it has concerns about whether it is appropriate to penalise the states in cases where liquor licensing regulation aims to address the harms associated with excessive alcohol consumption or promote the objects of harm reduction.²³⁹

The alcohol industry

Giesebrecht argues that one stumbling block in implementing effective science based solutions to alcohol-related problems is the unwillingness of the alcohol industry to accept evidence based solutions if these are going to interfere with profits:

Any effective effort to control drinking-related problems would have a significant positive impact (ie reduction) on the drinking of heavier consumers, and thus a negative impact on sales (Anderson 2002). The industry’s vested interests in increasing sales combined with views on the causes and nature of alcohol problems – views that are promoted by Social

²³⁷ The report by the Preventative Health Taskforce makes a number of recommendations which are relevant to the issue of reducing alcohol-related violence and particularly enforcement of laws pertaining to the licensed environment. These include:

‘Key Action Area 1: *Improve the safety of people who drink and those around them*, namely

1. States and territories to harmonise liquor control regulations, by developing and implementing best practice nationally consistent approaches to the policing and enforcement of liquor control laws.
2. Increase available resources to develop and implement best practice for policing and enforcement of liquor control laws and regulations.
3. Develop a business case for a new COAG national partnership agreement on policing and enforcement of liquor control laws and regulations.
4. Provide police, other law enforcement agencies and private security staff with information and training about approaches to complying with and enforcing liquor licensing laws and managing public safety.
5. Change current system to ensure local communities and their local governments can manage existing and proposed alcohol outlets through land use planning controls.
6. Establish the public interest case to exempt liquor control legislation from the requirements of National Competition Policy.
7. Support the above through partnerships with the alcohol beverage and related industries and data collection and monitoring of alcohol sales, policing, and health and social impacts.’ See National Health Preventative Taskforce Report, accessed at: www.preventativehealth.org.au, 2 July 2010.

The Report has now resulted in the National Preventative Health Strategy, Australia: The Healthiest Country by 2020. See www.preventativehealth.org.au

²³⁸ Submission of ADF to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

²³⁹ For further discussion of the NCP see Chapter 11 of this Report.

Aspects Organisations²⁴⁰ – make it highly unlikely that the industry will support the most effective interventions.

The drinking problems labeled in their campaigns and initiatives are high profile ones that are currently popular, such as drinking and driving, binge drinking by youth, alcohol dependence and foetal alcohol effects (2004, p.170).

The alcohol industry, on the other hand, has argued that in fact the kinds of interventions that are deemed ineffective are in fact highly effective in reducing alcohol-related harms, at least in certain targeted areas. Industry representatives point to the valuable campaigns that Industry and its Social Aspect Organisations support, either directly or indirectly, to reduce the harms associated with alcohol misuse.

Conclusion

The NDRI has observed that communities, like individuals, change over time. As such, for long-term effectiveness, strategies and policies to address alcohol-related harms including violence:

[n]eed to be tailored to the specific and changing needs of target populations. This is especially important where restrictions affect regional/remote populations where change may be rapid and failure to adapt restrictions may result in diminished effectiveness over time (NDRI 2007, p.xvi).

Developing and implementing effective interventions to address alcohol-related violence is not easy for all the reasons outlined in this chapter. Program development and evaluation is expensive and obtaining the support of all stakeholders with a vested interest in the outcomes is also difficult. Nonetheless, an approach that acknowledges the links between contentious issues such as alcohol availability or licensed premise density is important. Such an approach:

[w]ould include policy and strategies based on sound research evidence for efficacy and/or have a solid theoretical grounding include processes which support the ongoing, systematic collection of detailed objective data for monitoring and evaluation purposes; employ reliable findings to inform and support future evidence-based decisions and reliable monitoring of community sentiment (NDRI 2007, p.xviii).

The other point that NDRI suggests policy-makers bear in mind is, that given all the difficulties associated in developing best practice models in this area, sometimes it is best to keep one's expectations small and be pleased with modest outcomes. To this end they observe:

- even modest changes in measurable outcomes can in reality bring welcome relief to communities beset with the burden of alcohol-related problems;
- evidence of short-term improvement may be preferable to no improvement at all;
- evidence of short-term change is typically easier to show than long-term change;
- to produce evidence of on-going change enduring but flexible evaluation strategies are necessary;
- piece-meal changes may be easier to implement than comprehensive strategies but are less likely to result in optimal and ongoing change;

²⁴⁰ For a discussion of Social Aspect Organisations (SAOs) see Drugs and Crime Prevention Committee 2006, *Inquiry into Harmful Alcohol Consumption – Final Report*.

- restrictions that are politically attractive, met with little resistance and relatively easy to implement are not necessarily effective;
- restrictions may require multiple transformations and adjustments to reach their optimal potential and should be monitored over time;
- a goal should be to sustain the impact of restrictions; and,
- wherever possible it is preferable to err on the side of minimising – not continuing – harm (NDRI 2007, pp.xix–xx).

The remainder of this Report incorporates both the broad sweep and also the minutiae of issues and concerns pertaining to assaults occurring in public places. It also attempts to understand and, where possible, reconcile the conflicting and at times competing viewpoints in this area and suggest interventions which, while not necessarily being popular with all groups, are based on the best possible research evidence and experiential knowledge to hand.

8. The Policy and Regulatory Context

Introduction

Given the major role that alcohol plays in contributing to assaults occurring in public places, it is important to consider alcohol policy and regulation, particularly as it pertains to reducing alcohol-related violence. To a certain extent alcohol policy and frameworks to address alcohol-related issues including assaults and violence in Victoria are influenced by current developments at international and national levels. Nonetheless, there are also specific strategies that can be implemented at state level to address the problems arising as a result of excessive or irresponsible alcohol consumption.

The international context

At an international level, the production, trade and supply of alcohol to consumers has altered significantly in recent decades due to increasing globalisation. Although alcohol can be considered a special commodity, in light of its properties as a drug, it has nonetheless been treated as an ordinary commodity in international trade agreements such as the General Agreement on Trade in Services (GATS), the North American Free Trade Agreement (NAFTA), the European Union (EU) treaty and others. These treaties and agreements, which are designed to promote international free trade by reducing and eventually abolishing all tariff and non-tariff barriers, have affected the supply and control of alcohol in many areas (Babor et al 2010).

For example, within Europe the implementation of a single market, open borders and tax harmonisation has had the overall effect of reducing controls on the supply and marketing of alcohol. Consequently, national control of licensed premises has been weakened:

In most EU countries, licensing policy has become a formal procedure whereby every applicant fulfilling some basic requirements, for instance, no criminal record and no unpaid taxes, automatically receives a retail license for alcoholic beverages (Babor, et al 2010, pp.92–93).

Controls on the advertising and marketing of alcohol have also been challenged, although such challenges have not always been successful. A challenge to the French Loi Évin, which bans almost all direct and indirect alcohol advertising, was rejected by the European Court of Justice which ruled that restrictions on advertising were compatible with the EU treaty and could be justified on the grounds of public health (Babor et al 2010).

While trade agreements have had an impact on the supply and marketing of alcohol at an international level for some time, the implications of alcohol consumption for public health have only recently received attention at a national level. Compared to international conventions established to control illicit drugs, and a World Health Organization (WHO) Framework Convention on Tobacco Control, the development of policy and strategies to deal with the harmful use of alcohol has lagged behind (Babor et al 2010). Nonetheless, at the recently held 63rd World Health Assembly, 193 Member States of the WHO – including Australia – reached consensus on a resolution to confront the harmful use of alcohol. The resolution, passed on 21 May 2010, endorsed a global strategy encompassing a range of policy options and interventions that member states are encouraged to implement at national level.

The national context

Australia has had a national alcohol policy based on harm minimisation since 1989 (Drugs and Crime Prevention Committee 2006). Since 2001, two National Alcohol Strategies have been developed. The current strategy – the National Alcohol Strategy 2006–2011 – was initially endorsed in May 2006 and covered the period 2006–2009. Alcohol use and its implications for health and safety is also one of four areas covered by the Federal Government’s National Preventative Health Taskforce (NPHT), established in 2008.

The National Alcohol Strategy 2006–2011

The National Alcohol Strategy 2006–2009 was developed as a response to widespread patterns of high risk alcohol consumption in Australia and the consequent economic and social costs to the Australian community. Development of the Strategy was based on a collaborative process involving Australian governments, non-government organisations (NGOs), industry partners and the broader community. Victoria’s Alcohol Action Plan 2008–2013 was developed within the national framework provided by the National Alcohol Strategy 2006–2009, and its action areas are consistent with the goals of the national strategy (Victorian Government 2008).²⁴¹ ‘On 24 April 2009, the Ministerial Council on Drug Strategy (MCDS) approved an extension of the term of the current *National Alcohol Strategy 2006-2009* until 2011’ (Commonwealth Department of Health and Ageing 2010).

The Strategy’s goal is ‘to prevent and minimise alcohol-related harms to individuals, families and communities in the context of developing safer and healthy drinking cultures in Australia’ (MCDS 2006, p.2). The strategy has four aims and four associated priority areas. These aims are to:

- Reduce the incidence of intoxication among drinkers;
- Enhance public safety and amenity at times and in places where alcohol is consumed;
- Improve health outcomes among all individuals and communities affected by alcohol consumption; and
- Facilitate safer and healthier drinking cultures by developing community understanding about the special properties of alcohol and through regulation of its availability. (Ministerial Council on Drug Strategy 2006, p.2)

The four priority areas which the Strategy concentrates on are:

- Intoxication;
- Public safety and amenity;
- Health impacts; and
- Cultural place and availability.

Three of these priority areas (intoxication, public safety and availability) which relate most closely to the issue of alcohol-related violence, are outlined below.

²⁴¹ The Victorian Alcohol Action Plan is discussed later in this chapter.

Priority area 1: Intoxication

The Strategy notes the prevalence and cultural acceptance of drinking to intoxication in Australia and continuing concern about associated harms, including violence (MCDS 2006). Underage drinking and the need to reduce intoxication in the context of public licensed environments are two issues of particular concern. In relation to licensed premises, the Strategy document notes that a 'significant proportion of alcohol-related harm occurs in or in the vicinity of licensed premises... Much of this harm involves assaults where young men are the victims or perpetrators' (MCDS 2006, p.14). Recommendations made in relation to this priority area include the need to raise community awareness and understanding of the impacts of intoxication; to improve enforcement of liquor licensing regulations; and to implement strategies to reduce harms associated with intoxication in the late night environment (MCDS 2006).

Priority area 2: Public safety and amenity

Crime and antisocial behaviour that result from high-risk alcohol consumption is the focus of the second priority area. The Strategy aims to increase awareness and understanding of such harms, noting that they have not previously received a high level of attention at the national level (MCDS 2006). Recommendations of relevance to the issue of crimes against the person include a range of suggestions related to developing and disseminating best practice guidelines for the design and management of the late-night licensed premise environment and strategies to increase the capacity of local government and communities to deal with alcohol-related harms (MCDS 2006).

The third priority area addresses health impacts and as such is not directly relevant to this Inquiry.

Priority area 4: Cultural place and availability

Priority area 4 addresses the cultural acceptance of alcohol in Australia and its widespread availability. It looks at the ways in which the marketing and promotion of alcohol influences drinking cultures, particularly among young people. It also considers factors that influence the economic and physical availability of alcohol such as taxation and the impact of National Competition Policy (MCDS 2006). Among other things, the Strategy recommends strengthening the regulation of alcohol availability; investigating price-related mechanisms for reducing harmful levels of consumption; monitoring alcohol promotions; and developing social marketing campaigns to reduce the acceptability of intoxication, to promote Australian Alcohol Guidelines, and to reduce alcohol-related harms.

The National Preventative Health Taskforce

The National Preventative Health Taskforce (NPHT) was established in April 2008 to develop a National Preventative Health Strategy. Alcohol was one of four areas the Taskforce focussed on and addressed in its final report, 'The Roadmap for Action' (NPHT 2009). The report sets out eight key action areas in relation to alcohol (see Figure 8.2).

Figure 8.1 Key actions of the National Preventative Health Strategy – Roadmap for action

Key action areas	
Key action area 1:	Improve the safety of people who drink and those around them
Key action area 2:	Increase public awareness and reshape attitudes to promote a safer drinking culture in Australia
Key action area 3:	Regulate alcohol promotions
Key action area 4:	Reform alcohol taxation and pricing arrangements to discourage harmful drinking
Key action area 5:	Improve the health of Indigenous Australians
Key action area 6:	Strengthen, skill and support primary healthcare to help people in making healthy choices
Key action area 7:	Build healthy children and families
Key action area 8:	Strengthen the evidence base

Source: *National Preventative Health Taskforce 2009, p.241.*

As with the National Alcohol Strategy 2006–2011 priority areas, the key action areas address a range of alcohol-related harms that are broader than alcohol-related violence. Nonetheless, many of the specific recommended actions, if successfully implemented, could be expected to reduce levels of risky alcohol consumption, and therefore reduce assaults associated with alcohol.

The Victorian context

The regulation of the supply of alcohol is a State responsibility. For many years Victoria was at the forefront of a trend towards liberalising the availability of alcohol. This trend began in the 1980s with the publication of the Nieuwenhuysen report (1986), which recommended deregulation of the hospitality industry to facilitate development of European café-style outlets. Subsequently, an ongoing process of reforms of licensing laws in Victoria has led to increased competition, availability and convenience.²⁴² The current legislation governing the supply of alcohol in Victoria is the *Liquor Control Reform Act 1998*. Under the Act, a Director of Liquor Licensing is appointed to administer the Act and provide advice to the Minister on the operation of the Act (s.149, s.153 (2)). The Act confers functions and powers to the Director in relation to Liquor Licensing (s.153 (1)).

Whilst the development of Victoria’s hospitality industry, including Melbourne’s food and café culture, is generally viewed as a positive outcome of licensing law reform, concerns have also grown in recent years about various alcohol-related harms, including violence associated with the large growth in nightclubs and bars.²⁴³ In response, a package of measures was introduced in 2007 through the *Liquor Control Reform Amendment Bill 2007*. These amendments:

²⁴² Evidence of Ms Julianne Brennan, Director, Responsible Alcohol Victoria, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

²⁴³ See, for example, Evidence of Robert Doyle, Lord Mayor, City of Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 23 November 2009.

- gave the Director of Liquor Licensing the power to declare designated areas where banning notices and exclusion orders could be used;
- gave police the power to ban troublemakers from designated areas (initially the Melbourne CBD and the Chapel Street area) for up to 24 hours;
- enabled courts to issue exclusion orders for up to 12 months for repeat offenders of offences that include assault, sexual offences, threats to kill, destroying or damaging property, drunkenness, offensive or obscene behaviour, weapons offences and failure to leave a licensed premises;
- gave the police the power to suspend a liquor licence for up to 24 hours;
- introduced greater controls on restaurants to prevent them from operating as a bar or nightclub;
- doubled penalties for serving alcohol to intoxicated patrons or allowing them to remain on licensed premises; and
- provided a legislative framework for the establishment of liquor accords (Department of Parliamentary Services 2009, p.5).²⁴⁴

In November 2007, Premier John Brumby established a Ministerial Taskforce on Alcohol and Public Safety. This led to the development of Victoria's Alcohol Action Plan 2008–2013 and subsequently a range of additional reforms and amendments to the *Liquor Control Reform Act 1998*.

Victoria's Alcohol Action Plan 2008–2013: 'Restoring the balance'

Victoria's Alcohol Action Plan (VAAP) was launched by the Premier in May 2008.²⁴⁵ It identified a range of specific actions designed to reduce harm associated with alcohol misuse and established a long-term framework for change (Victorian Government 2008).

While acknowledging the significant and legitimate role alcohol plays in our society and economy, VAAP outlines the harms associated with excessive consumption and abuse of alcohol. Of particular relevance is recognition of the contribution alcohol makes to crime and antisocial behaviour in general, and to assaults specifically. It notes that a high percentage of assaults occur during times of medium to high alcohol consumption and that an estimated 41 to 70 per cent of violent crimes are committed under the influence of alcohol (Victorian Government 2008).

In light of the harms associated with alcohol misuse, and building on existing programs, the VAAP:

Provides a vision for long-term change in the community and identifies clear priorities for action. These priorities are in four key areas:

1. families – including more support in mainstream health services to help people reduce their drinking early and providing the best quality care for more serious alcohol use problems
2. culture – sustaining community awareness to encourage a safe and sensible approach to alcohol
3. community – enforcing controls on the sale and marketing of alcohol and preventing

²⁴⁴ See also, Evidence of Ms Sue Maclellan, Director of Liquor Licensing, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 22 March 2010.

²⁴⁵ Evidence of Ms Julianne Brennan, Director, Responsible Alcohol Victoria, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

and reducing the consequences of excessive alcohol use, especially alcohol-fuelled violence

4. partnerships – working with the Commonwealth and other state and territory governments to ensure a national approach (Victorian Government 2008, p.19).

Actions designed to raise community awareness, to change attitudes around safe levels of alcohol use, to improve enforcement of controls on the sale and marketing of alcohol, and to prevent and reduce harmful consequences of excessive drinking are the most relevant to the reduction of alcohol-related violence.

Recent initiatives in relation to licensing and the licensed environment

A range of initiatives has been implemented since the launch of VAAP in May 2008. These included a freeze placed on the granting of late night liquor licences in May 2008 and a temporary lockout (late-hour entry declaration) imposed by the Director of Liquor Licensing in June 2008. A new business unit, Responsible Alcohol Victoria (RAV), was established within the Department of Justice in September 2008. The role of RAV is to: develop alcohol-related legislation, policy and standards; provide administrative support and resources for the liquor licensing system and the Director of Liquor Licensing; conduct stakeholder engagement; and provide support to Victoria Police in relation to enforcement of liquor licensing.²⁴⁶

RAV has overseen the implementation of a number of measures recommended in the VAAP. While the overall aim of these measures is to reduce alcohol misuse in general, many recent initiatives specifically target alcohol-related violence in and around licensed premises. These include the temporary lockout as well as measures that strengthen the enforcement of Liquor Licensing laws.²⁴⁷

Freeze on late night licences

A 12-month freeze on the granting of late night licences trading after 1.00am was announced with the launch of the VAAP in May 2008. The freeze applied to applications in the local government areas of Melbourne (including Docklands), Port Phillip, Yarra and Stonnington.²⁴⁸ Since that time the freeze has been extended twice, and now is in place until 31 December 2011. The freeze applies to ‘applications for the grant, relocation or variation of general, on-premises, late night (general, on-premises and packaged liquor), packaged liquor, limited (temporary and renewable) and major events licences and BYO Permits’ (Cameron 2009, p.2).

²⁴⁶ Evidence of Ms Julianne Brennan, Director, Responsible Alcohol Victoria, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

²⁴⁷ Evidence of Ms Julianne Brennan, Director, Responsible Alcohol Victoria, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

²⁴⁸ John Brumby, Premier of Victoria, ‘Victoria’s alcohol action plan to restore the balance’ Media Release, 2 May 2008.

Late-hour entry declarations (lockouts)

The Director of Liquor Licensing has had the power to make permanent late-hour entry declarations since 2006, and temporary declarations since 2007.²⁴⁹ A late-hour entry declaration, or lockout, stipulates that after a set time (usually 1.00am or 2.00am) new patrons are not allowed to enter licensed premises covered by the declaration. Existing customers may remain in the venue until closing time but if they leave they cannot re-enter.²⁵⁰ A number of lockouts have been implemented in suburban and regional cities using the permanent power available to the Director:

We have late-night entry operations in Warrnambool, Bendigo, Ballarat, Traralgon, Frankston and Knox. They are all ongoing and all subject to review on a yearly or bi-yearly basis ... These ones use a permanent power, which goes through a...process to be put in place and requires consultation. The licensees can appeal that – they have not tended to – and we have gone through a long process to put them in place. But they are all there, and once they are there they seem to stay.²⁵¹

An amendment to the *Liquor Control Reform Act 1998*, passed in 2007, gave the Director of Liquor Licensing the power to impose a temporary late-hour entry declaration:

without giving written notice under section 58C if the Director believes on reasonable grounds that –

- (a) alcohol-related violence or disorder has occurred in the area or locality to which the order is to apply; and
- (b) a late hour entry declaration in relation to the area or locality is reasonably likely to be an effective means of reducing or preventing the occurrence of alcohol-related violence or disorder in the area or locality (*Liquor Control Reform Act 1998*, s.58CA).

This power was used to impose a temporary 2am lockout on licensed venues operating in the cities of Melbourne, Port Phillip, Yarra and Stonnington. The lockout commenced on 3 June 2008 and ran for three months (KPMG 2008). The decision to impose the lockout affected approximately 487 late-night venues in these areas, however overruling by the granting of stays through the Victorian Civil and Administrative Tribunal (VCAT) to around 25 per cent of venues, including many with high-risk conditions on their liquor licence, reduced the potential effectiveness of the lockout (KPMG 2008).

An evaluation of the effectiveness of the temporary lockout in reducing the occurrence of alcohol-related violence and disorder noted that the granting of stays to a significant proportion of venues in the affected areas presented a major limitation, making it 'extremely difficult to reach conclusive findings in this evaluation' (KPMG 2008, pp.6, 9). Nonetheless, it concludes:

²⁴⁹ The difference between a permanent and a temporary declaration is that for a permanent declaration, the Director must give written notice to affected licensees, who then have 21 days to object to the declaration. While written notice must also be given for a temporary declaration, there is no requirement to allow for objections.

²⁵⁰ Lockouts have been discussed as a measure to address alcohol-related disorder for at least twenty years. One of the first comprehensive voluntary lockouts entered into in Victoria, was between police and licensees was based in Bendigo from September 2007.

²⁵¹ Evidence of Ms Sue Maclellan, Director of Liquor Licensing, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 22 March 2010.

Regardless of these limitations, experience in other jurisdictions where permanent Lockouts have been implemented does suggest that, particularly when undertaken as part of a broader suite of initiatives to address alcohol-related issues over a sustained period of time (in excess of one to two years), a Lockout can be a useful tool to address the complex issues of alcohol-related violence, antisocial behaviour and amenity issues (KPMG 2008, p.9).

Compliance Directorate

The establishment of a civilian Compliance Directorate to support the work of policing licensed premises is a key development flowing from the VAAP.²⁵² The Compliance Directorate commenced operation in metropolitan Melbourne in July 2009 and in regional Victoria in August 2009. More than 40 Compliance Inspectors monitor licensed premises, conducting random and targeted inspections, to ensure licensees are compliant with liquor laws and the conditions of their licence. In the initial stages of operation, Compliance Inspectors have been casting their net wide, visiting all venues, while in the longer-term the aim is for them to focus 'on the riskier venues or the venues that are not complying rather than repeatedly visit people who demonstrate compliance'.²⁵³

An essential aspect of the operations of the Compliance Inspectorate is to work collaboratively with a variety of agencies:

Compliance Inspectors work in partnership with the industry, Victoria Police, the Director of Liquor Licensing and other government agencies to build a culture of compliance in the liquor licensing industry. The Compliance Inspectors are able to:

- enter and inspect licensed premises
- request licensees and their staff answer questions and provide information, documents, records, and equipment
- seize items as evidence
- request proof of age and seize liquor from a minor
- issue infringement notices (Department of Justice 2010a).

While Compliance Inspectors do not have the power to issue banning notices or to make arrests, they have a range of enforcement options available. These include verbal and/or written warnings, the issuing of infringement notices, and – with approval from the Director of Liquor Licensing – enforceable undertakings, disciplinary action and criminal prosecution (where serious, conscious and deliberate breaches are concerned) (Department of Justice 2009d).²⁵⁴

As of 30 June 2010, the Compliance Directorate has carried out over 26,500 inspections and identified more than 15,200 breaches. Inspections were carried out in all regions of the State, and all licence types. The five most common breaches identified were:

²⁵² The Compliance Directorate was established through enactment of the Liquor Control Reform Amendment (Enforcement) Bill 2008, which also gave stronger powers to the Director of Liquor Licensing and the police.

²⁵³ Evidence of Ms Sue Maclellan, Director of Liquor Licensing, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 22 March 2010.

²⁵⁴ See also, Evidence of Ms Sue Maclellan, Director of Liquor Licensing, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 22 March 2010.

- failure to produce a copy of red-line plan (26 per cent)
- failure to display required notices (22 per cent)
- failure to keep a copy of red-line plan (22 per cent)²⁵⁵
- failure to display licence or permit (12 per cent), and
- supplying liquor other than in accordance with licence or permit (8 per cent)²⁵⁶ (Department of Justice 2010d).

The three most common breaches for all licence types, with the exception of packaged liquor licences, have been for offences related to not producing or displaying documentation. The most common breach for packaged liquor outlets was for the supply of liquor other than in accordance with licence (see Table 8.1). Packaged liquor outlets were responsible for over 850 breaches of this type, representing more than half of all breaches for supplying liquor other than in accordance with licence or permit (total over 1,500). This is despite the fact that only 11 per cent of all inspections were of packaged liquor outlets (Department of Justice 2010b).

²⁵⁵ A red-line plan refers to the defined area for which permission to serve alcohol is sought. The application for a liquor license must submit a drawn plan of the premises with the area in which it is planned to serve alcohol clearly demarcated by a red line.

²⁵⁶ The percentage figures given here for the five most common offences are the percentage of all breach offences. Consequently, they do not add to 100 per cent.

Table 8.1 Most common breaches identified by licence type

Licence Type	Breach	Year to Date (number)
General licence	Produce copy of red-line plan	Over 340
	Display required notices	Over 260
	Keep copy of red-line plan	Over 240
On-premises licence	Produce copy of red-line plan	Over 870
	Display required notices	Over 740
	Keep copy of red-line plan	Over 670
Restaurant and cafe licence	Produce copy of red-line plan	Over 1,280
	Keep copy of red-line plan	Over 1,230
	Display required notices	Over 1,040
Packaged liquor licence	Supply liquor other than in accordance with licence	Over 700
	Produce copy of red-line plan	Over 410
	Keep copy of red-line plan	Over 300
Full club licence	Produce copy of red-line plan	Over 100
	Keep copy of red-line plan	Over 80
	Display required notices	Over 75
Restricted club licence	Display required notices	Over 70
	Produce copy of red-line plan	Over 75
	Keep copy of red-line plan	Over 55
Pre-retail licence	Produce copy of red-line plan	Over 30
	Display licence or permit	Over 10
	Keep copy of red-line plan	Over 10
Vignerons licence	Display required notices	Over 65
	Keep copy of red-line plan	Over 55
	Produce copy of red-line plan	Over 55
Limited licence	Display required notices	Over 425
	Produce copy of red-line plan	Over 425
	Keep copy of red-line plan	Over 365
BYO permit	Display required notices	Over 370
	Produce copy of red-line plan	Over 275
	Display licence or permit	Over 220

Note: Reported statistics as at 30 June 2010.

Source: Department of Justice 2010b.

Enforcement activity to date has covered the full range of options, from risk management discussions with licensees, to criminal prosecutions. Table 8.2 details enforcement activity to 30 June 2010.

Table 8.2 Compliance Directorate enforcement activity

Enforcement activity	2009-10 Financial Year
Criminal prosecutions	4
Criminal charges issued	15
Criminal investigations commenced	Over 55
Enforceable undertakings entered into	3
Infringement notices issued	Over 300
Warning notices issued	Over 1,700
Voluntary compliance letters issued	Over 4,600
Risk management discussions	Over 150

Note: Reported statistics as at 30 June 2010.

Source: Department of Justice 2010b.

Risk-based licence fees and new licence categories

In 2009 the Department of Justice commissioned a study ‘to estimate the social costs of alcohol-related harm in Victoria’,...‘to review the available evidence linking alcohol-related harm to the operation of licensed premises’ and to investigate the development and feasibility of introducing a risk-based model of fees (The Allen Consulting Group 2009, p.vi).²⁵⁷ Following the review, the Victorian Government introduced legislation to amend the *Liquor Control Reform Act 1998* by creating three new licence categories and introducing a new risk-based structure for licence fees.

The new licence categories, which more clearly differentiate the types of activities undertaken at licensed premises, are:

- a new *late night licence* category for licences that authorise the supply of liquor after 1.00am;
- a new *restaurant and cafe licence* category for businesses whose predominant activity at all times is the preparation and serving of meals for consumption on the premises; and
- a new *major events licence* category for large events that attract a high number of patrons and have greater potential safety risk and amenity impacts (Department of Justice 2010c).

The new licence categories recognise that alcohol-related violence is more strongly associated with some forms of licensed premise than others. For instance, licensed restaurants and cafés are less likely to be linked to assaults than nightclubs or packaged liquor stores that trade late into the night. The new late night licence category has been created so that higher-risk licensed premises can be grouped together ‘into a single category, enabling them to be better regulated and monitored’ (Department of Justice 2009c, p.2).

²⁵⁷ The review of licensing fees was foreshadowed in Action point 3.2 of the Victorian Alcohol Action Plan. See also, Evidence of Ms Julianne Brennan, Director, Responsible Alcohol Victoria, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

A new risk-based fee structure for licensed premises also came into effect as of 1 January 2010. It includes an initial application fee and an annual risk-based renewal fee. The annual renewal fee includes a base fee, plus an operating hours risk fee and a compliance history risk fee, multiplied by a venue capacity multiplier (Department of Justice 2009e). The new fee structure is designed to ensure that venues associated with the most harm, such as late night venues, will pay higher fees than smaller, earlier closing venues that are less likely to be associated with violence and other harms (Department of Justice 2009f).

Party bus operations

In response to concerns about social disorder and excessive drinking associated with the operation of party buses,²⁵⁸ a recent amendment to the *Liquor Control Reform Act 1998* brings the operation of party buses under regulatory control. From 1 April 2010, party buses that operate at night (between 8.00pm and 5.00am) in certain designated areas²⁵⁹ and allow passengers to bring and consume alcohol on board the bus are required to obtain a BYO permit (Department of Justice 2010d). If an operator sells alcohol directly, or includes alcohol as part of the ticket price, they must obtain a liquor licence.

Bringing party buses under the governance of liquor laws means they are subject to responsible service of alcohol (RSA) requirements and can be monitored by officers from the Compliance Inspectorate and the police in a similar manner to other licensed premises. Party bus operators are subject to most existing offences in the *Liquor Control Reform Act 1998*, whether operating under a BYO permit or a liquor licence. An exception is made for allowing a drunken or disorderly person to remain on the bus, 'to ensure his or her safety, limit the risk of anti-social behaviour, and minimise the potential for disruptions to local amenity' (Department of Justice 2010d). Such a person, however, would still be liable under the *Summary Offences Act 1966*, to the offence of being drunk or disorderly (Department of Justice 2010d).

When applying for a BYO permit or licence, party bus operators are required to submit a management plan, which includes risk management strategies for dealing with patron behaviour and managing intoxicated patrons. A code of conduct for patron and operator behaviour is also required. A copy is required to be provided to anyone booking a party bus, and also to be kept on the bus for viewing by patrons, staff, police or compliance inspectors. The minimum standards of behaviour covered by the code relate to a range of unacceptable behaviour, including behaving 'in a violent or aggressive manner' (Department of Justice 2009g).

²⁵⁸ This issue was raised in public hearings. For example, the Committee heard evidence about party bus patrons urinating on a restaurant window in the Melbourne CBD. (Evidence of Mr Michael Delany, Member, Association of Liquor Licensees Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009).

²⁵⁹ The Director of Liquor Licensing can, after consultation with Victoria Police, declare an entertainment precinct or area where alcohol-related violence and antisocial behaviour has occurred to be a 'designated area'. Current 'designated areas' are: Melbourne CBD; Fitzroy Street, St Kilda; around Brunswick Street and Smith Street, Fitzroy; around Chapel Street, Prahran; Frankston; Geelong CBD; Traralgon; Ballarat CBD; Bendigo; Shepparton; and Warrnambool (Department of Justice 2010b).

Other initiatives

Other initiatives that have been implemented include:

- amendment to the objects of the *Liquor Control Reform Act 1998*, to include harm minimisation as a major objective of the Act;²⁶⁰
- trading restrictions on ANZAC Day which ban trading between 3.00am and 12.00 noon for most licensed premises (Department of Justice 2010e);
- stronger powers for the Director of Liquor Licensing ‘to ban liquor promotions and advertising that would promote irresponsible conduct or are not in the public interest’. Examples of promotions that have been banned include ‘super cocktails which contain up to 10 standard drinks in a fishbowl’ and games where patrons race each other to obtain drinks lined up on the bar;²⁶¹
- the publishing and dissemination of guidelines on alcohol advertising and promotions, including examples of good and bad practice;²⁶²
- the publishing and dissemination of design guidelines for licensed premises. These are to ‘encourage licensees, when they are redesigning their premises, to make them safe, to make exits and entrances clear, with good lighting and good cross traffic in the venue so that people do not get into crowded spaces’;²⁶³
- development of codes of conduct for venues providing sexually explicit entertainment;²⁶⁴ and
- strengthening of probity requirements for owners and associates of licensed premises.²⁶⁵

²⁶⁰ The objects of the *Liquor Control Reform Act 1998*, as amended by the *Liquor Control Reform Amendment (Licensing) Act 2009*, are:

- ‘(1) (a) to contribute to minimising harm arising from the misuse and abuse of alcohol including by –
- (i) providing adequate controls over the supply and consumption of liquor; and
 - (ii) ensuring as far as practicable that the supply of liquor contributes to, and does not detract from, the amenity of community life; and
 - (iii) restricting the supply of certain other alcoholic products; and
 - (iv) encouraging a culture of responsible consumption of alcohol and reducing risky drinking of alcohol and its impact on the community; and
- (b) to facilitate the development of a diversity of licensed facilities reflecting community expectations; and
- (c) to contribute to the responsible development of the liquor and licensed hospitality industry.
- (2) It is the intention of Parliament that every power, authority, discretion, jurisdiction and duty conferred or imposed by the Act must be exercised and performed with due regard to harm minimisation and the risks associated with the misuse and abuse of alcohol.’

²⁶¹ Evidence of Ms Sue Maclellan, Director of Liquor Licensing, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 22 March 2010.

²⁶² Evidence of Ms Sue Maclellan, Director of Liquor Licensing, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 22 March 2010.

²⁶³ Evidence of Ms Sue Maclellan, Director of Liquor Licensing, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 22 March 2010.

²⁶⁴ Evidence of Ms Sue Maclellan, Director of Liquor Licensing, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 22 March 2010.

²⁶⁵ Evidence of Ms Sue Maclellan, Director of Liquor Licensing, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 22 March 2010.

There are also plans to introduce legislation requiring licensed venues to provide free drinking water to patrons.²⁶⁶

Responsible service of alcohol (RSA)

In Victoria, it is an offence to serve alcohol to patrons who are intoxicated; to permit a drunken or disorderly person to be on the licensed premise; or to supply liquor, or permit liquor to be supplied to a person under 18.²⁶⁷ Training in RSA is designed to ensure that staff working in licensed premises have the knowledge and skills to encourage responsible drinking, and to refuse service to those who are intoxicated or who are underage.

Since 2002, the Director of Liquor Licensing has had the power to approve RSA training programs in line with the 2002 requirement for managers of packaged liquor premises to have completed such a program.²⁶⁸ Subsequently, the code of conduct for packaged liquor licences also requires all staff to complete an RSA refresher course every two years for managers, and every 12 months for others.²⁶⁹ The Director of Liquor Licensing also has the power to stipulate, as a specific condition of any other licences, that staff be RSA trained. The Director informed the Committee that she has made RSA training a requirement for all staff at late night and risky venues. Major events licences also commonly stipulate RSA training for all staff.²⁷⁰

Conclusion

Policies related to alcohol, and the regulation of the supply and consumption of alcohol, have gone through significant development over the past 20 years. During this period, policy and agreements at an international, national and state level have contributed to a general liberalisation of alcohol regulations that has increased availability and convenience for consumers. However, increasing recognition of harms associated with excessive alcohol consumption, including those related to violence, has led to calls for a more balanced approach that acknowledges the need for appropriate regulation to protect public health and safety. The regulation of the supply of alcohol in Victoria plays an important role in addressing the problem of assaults occurring in public places. To this end a range of strategies recommended in the Victorian Alcohol Action Plan have already been implemented. Nonetheless, further strategies, both alcohol-related and otherwise, need to be considered.

²⁶⁶ Tony Robinson, Minister for Consumer Affairs, 'Government to legislate for free water in licensed venues', Media Release, 17 February 2010.

²⁶⁷ See *Liquor Control Reform Act 1998*, s.108 (4) and s.119 (1).

²⁶⁸ See *Liquor Control Reform Act 1998*, s.11 (3)(aab) and s.11 (3)(aac) and s.11 (4).

²⁶⁹ 'Your obligations as a liquor licensee: Information for packaged liquor licence holders' Department of Justice information sheet, February 2010.

²⁷⁰ Evidence of Ms Sue Maclellan, Director of Liquor Licensing, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 22 March 2010. For further discussion of RSA see Chapter 12.

9. Violence, Assault and Public Disorder: Law and Legal Issues

Introduction

There are a number of criminal charges that can be used against an offender who has inflicted physical violence that falls short of resulting in a fatality. These may range from offences that target the most life threatening incidents, such as intentionally causing serious injury, to a variety of common and statutory assaults. This chapter examines the various charges and laws that come under the Victoria Police administrative category of assault. This also reflects the crimes for which a statistical analysis has been undertaken in Chapter 2.

It is also necessary to discuss those offences which do not concern crimes against the person per se but are often used in circumstances and environments where violence, usually alcohol-fuelled, is prevalent. The most common of these are charges such as being drunk or drunk and disorderly in a public place. Whilst these charges do not directly involve crimes against the person, they *are* of relevance to the general issue of violence, antisocial conduct and disorder, particularly in public areas such as streets, licensed venues and on public transport. Offences such as being drunk and disorderly can be utilised by police as preventive measures to reduce, stop or otherwise prevent the threat of violence or the ongoing escalation of a situation with the *potential* for violence before matters get out of hand and the more serious crimes against the person charges need to be laid.

In addition, there have been recent legislative changes aimed at reducing violence, particularly in the context of alcohol-fuelled disorder. These include the use of 'move on' powers, banning notices and exclusion orders. Such laws, it is argued, are themselves a form of deterrent and preventive strategy to address the potential of violence and related disorder.

Finally, any discussion of the legal measures available to address violence need to also examine those ancillary laws that assist police in investigating and combating such crime. A key example is the control of weapons legislation. Having the ability to search and seize controlled and prohibited weapons should help prevent potential acts of violence before the need to lay substantive assault charges arises.

Current Victorian Law that can be applied against incidents of violent or threatening conduct

It is not uncommon to hear calls amongst the media and some sections of the public for tougher laws and harsher penalties to deal with crimes of violence and public disorder. Sometimes the issue of the substantive laws may be conflated (and confused) with the penalties available under them and/or the sentencing of these crimes.

In other words, whilst the laws themselves may be perfectly adequate some people may have concerns that the sentences meted out are inappropriately light.²⁷¹ Before these issues can be examined, however, it is important to understand what the laws are that address violent antisocial behaviour in this state and how adequate they are, at least in theory, to address these issues.

The most serious offences – The Crimes Act

Intentionally causing serious injury (Crimes Act 1958, Section 16)

This is the most serious of the charges for a non-fatal injury that can be charged against an alleged offender.

There are four elements to the crime of intentionally causing serious injury. The prosecution must prove beyond reasonable doubt that:

1. The victim suffered a ‘serious injury’;
2. The accused in fact caused the victim’s serious injury;
3. The accused intended to cause serious injury; and
4. The accused acted without lawful justification, reason or excuse.

What is a ‘serious injury’?

It has been held that ‘serious injury’ is an ordinary English term. As such it is for the jury to determine, as a question of fact, whether the complainant’s injuries qualify as ‘serious’.²⁷² In the case of *R v Welsh & Flynn*, Crockett J stated:

There is no exclusive definition of the word ‘serious’ in the Act. It was left to the jury to determine as a matter of fact what injury or injuries in combination might properly be categorised as being serious, having regard to the fact that the word ‘serious’ is an ordinary English word the meaning of which must be taken as well understood by the members of the jury. This accordingly required that it be left to the jury to determine as a fact whether the combination of injuries should have been appropriately treated as ‘serious’ injuries. There must of course be a stage at which it would be impossible, having regard to the ordinary meaning to be given to the word, for any tribunal of fact to find that an injury proved to have occurred could be classified as serious. If the stage were reached where it could not be so categorised, then of course there would be insufficient evidence for the jury

²⁷¹ In March 2010 the Attorney-General, Mr Rob Hulls, asked the Victorian Sentencing Advisory Council to review the appropriateness of the maximum penalties for about 250 of the most serious criminal offences in Victoria. This project is ancillary to a comprehensive review of the *Crimes Act 1958*, currently being undertaken which seeks to simplify, modernise and rationalise offences.

The Sentencing Advisory Council has been asked to consider the appropriateness of the maximum penalties for the criminal offences to be included in the Crimes Bill, and to ensure there is an appropriate hierarchy between similar offences.

In making its recommendations, the Council has been requested to:

- articulate the general principles upon which a scale of offence penalties should be based
- consider whether any changes should be made to the penalty scale
- take into account current sentencing practices
- consider community attitudes to relative offence seriousness.

The Council has been asked to provide this advice by 30 June 2011. See www.sentencingcouncil.vic.gov.au

²⁷² *R v Welsh & Flynn* Vic CCA 16/10/1987; *R v Ferrari* [2002] VSCA 186.

to make a finding of an injury as being serious in such an instance. In that case it would be for the judge to remove the matter from the jury's consideration.²⁷³

The Supreme Court (Court of Appeal) upheld this line of reasoning in 2002 in the case of *R v Ferrari*. In that case, an incident of road violence resulted in the convicted applicant who was seated in a motor vehicle, the passenger side door of which was open, grabbing the victim by the belt and pulling him backwards across the front seat of the applicant's vehicle. The applicant then made a number of punches on the face and head of the victim, causing two significant black eyes to the victim, together with grazes around the top of the head and face. In the County Court the applicant was found guilty of intentionally causing serious injury. The applicant appealed his sentence arguing that the verdict of the jury was unsafe and unsatisfactory, 'in the sense that no jury, properly instructed and acting reasonably, could have found on the evidence that the injury which was inflicted by the applicant was a serious injury'.²⁷⁴ His barrister submitted that the nature of the injuries, in the form of two black eyes, could not have been 'serious' within the meaning of Section 16. In other words, the bruised eyes and other injuries created by the applicant's punches could not properly have been regarded by the jury, in accordance with the directions given to them, as serious injuries.

The Court of Appeal²⁷⁵ rejected this line of reasoning and the views expressed in *R v Welsh and Flynn* approved.

Moreover, in considering what counts for serious injury the jury may 'compare the injury in question with injuries which common experience suggests would be superficial or trifling, and therefore fall short of being "serious injuries"'.²⁷⁶ (See *R v Welsh & Flynn* Vic CCA 16/10/1987; *R v Ferrari* [2002] VSCA 186; *R v Cogley* [1989] VR 799).

The injury must also be assessed in its context. 'The complainant's age, gender and state of health may all be relevant when assessing whether the injury is serious. An injury that is inflicted on a frail person may be more serious than the same injury inflicted on a person in good health (*R v Welsh & Flynn* Vic CCA 16/10/1987)'.²⁷⁷ The jury is also not restricted to considering physical injuries. Under Section 15 of the *Crimes Act*, 'Injury' (and by implication 'serious injury') includes unconsciousness, hysteria, pain and any substantial impairment of bodily function. The jury is also not restricted to considering the seriousness of one particular injury. A serious injury includes a combination of injuries (*Crimes Act* s15).

²⁷³ *R v Welsh & Flynn* Vic CCA. Unreported 16/10/1987. Per Crockett J at p.10.

In the same case Taddell, J., added:

'A determination whether a given injury or series of injuries can be categorised as 'serious injuries' in terms of s.16 of the *Crimes Act* will no doubt involve a value judgment. That judgment will in turn involve comparison between the injury or injuries in question alleged to be serious and an injury or injuries which would, according to ordinary human experience, be commonly regarded as slight, superficial or trifling and therefore falling short of being "serious injury".' (Per Taddell J at p.18).

²⁷⁴ *R v Ferrari* [2002] VSCA 186, per Winneke P at paragraph 5.

²⁷⁵ Per Winneke, P; Eames, JA; and O'Bryan AJA.

²⁷⁶ See *Victorian Criminal Charge Book, Judicial College of Victoria* online, accessed at www.justice.vic.gov.au, 18 August 2009.

²⁷⁷ Unreported. Cited in *Victorian Criminal Charge Book, Judicial College of Victoria* online, accessed at www.justice.vic.gov.au, 18 August 2009.

Finally, it is ‘ultimately a matter for the jury to determine whether an injury is sufficiently serious. It is unwise to attempt a more elaborate explanation’ (*R v Rhodes* (1984) 14 A Crim R 124).²⁷⁸

Causing ‘serious injury’

The issue of causation in criminal law is highly complex and beyond the scope of this discussion, other than stating that the complainant’s serious injury must have been caused by the accused. In effect this means the jury asking: Were the actions of the accused a substantial or significant cause of the complainant’s serious injury? It must be noted, however, that the injury need not have been caused by the accused personally assaulting or attacking the complainant. The element will be met even if the offender caused the injury indirectly (*R v Salisbury* [1976] VR 452).²⁷⁹

However, as stated in the Victorian Criminal Charge Book:

Intention and causation must always be treated as separate issues. This is especially important if the accused did not directly cause the complainant’s injuries. In such cases, the jury must separately assess whether the accused caused those injuries, and whether s/he intended to cause serious injury (*R v McKnoulty* (1995) 77 A Crim R 333; *Royall v R* (1991) 172 CLR 378).²⁸⁰

Intention to cause serious injury

It is not sufficient that the accused intended to do the *act* that injured the complainant. The accused must have intended to cause *serious* injury (*R v Westaway* (1991) 52 A Crim R 336). As stated by Justice Redlich in *DPP v Fevaleaki*:

The crime of intentionally causing serious injury is the most serious of the non-homicidal injury offences in which there is a concurrence of serious injury with the intention to cause it. But the specific intention required for this offence is not the intent to do the act that causes serious injury but the intention to cause serious injury.²⁸¹ Unlike unlawful and dangerous act manslaughter, which may occur where the offender does not intend the consequences and they are unexpected, the offence with which we are concerned requires proof that the offender intended to cause a serious injury which was sustained by the victim.²⁸²

This element will **not** be satisfied if the accused only intended to *injure* the victim, but in effect seriously injured him or her. The accused, however, does not need to have intended to cause the *exact* injury that he or she ultimately caused. ‘It is only necessary that the accused intended to cause an injury that is serious, and actually causes a serious injury’ (*Royall v R* (1991) 172 CLR 378).

It is important to note in the context of alcohol-fuelled violence that the defendant’s capacity to form the relevant intention may have been compromised by drugs and alcohol (*R v Mala Vic* CA 27/11/1997; *R v Kumar* (2006) 165 A Crim R 48; *R v Faure* [1999] 2

²⁷⁸ Cited in *Victorian Criminal Charge Book, Judicial College of Victoria* online, accessed at www.justice.vic.gov.au, 18 August 2009.

²⁷⁹ For a more detailed discussion of causation in the criminal law, see Bronitt and Sherry 2010.

²⁸⁰ *Victorian Criminal Charge Book, Judicial College of Victoria* online, accessed at www.justice.vic.gov.au, 18 August 2009.

²⁸¹ See also *R. v. Westaway* (1991) 52 A.Crim.R. 336 at 337 per Brooking, J.

²⁸² *DPP v Fevaleaki* [2006] VSCA 212 (13 October 2006), at para 11 per Redlich J.

VR 537). In other words the defendant may in some circumstances be able to argue there was no intention to commit the crime in question.

Intentionally causing injury (*Crimes Act 1958, Section 18*)

This is a less serious alternative to the offence of intentionally causing serious injury.

The offence of intentionally causing injury is very similar in its elements to the offence of intentionally causing serious injury, but differs in that the accused only needs to have caused, and to have intended to cause, the victim to suffer injury rather than serious injury. The elements the prosecution need to prove beyond reasonable doubt are:

1. The complainant suffered an ‘injury’;
2. The accused caused the complainant’s injury;
3. The accused intended to cause injury; and
4. The accused acted without lawful justification or excuse.

What is an injury?

Many of the elements and the reasoning that are applicable to serious injury are also relevant to the lesser charge of causing injury. ‘Injury’ is an ordinary English term. It is for the jury to determine, as a question of fact, whether the complainant suffered an injury (*R v Welsh & Flynn* Vic CCA 16/10/1987; *R v Ferrari* [2002] VSCA 186). In doing so:

The jury may compare the injury in question with harm which common experience suggests would be superficial or trifling, and therefore fall short of being an “injury” (*R v Welsh & Flynn* Vic CCA 16/10/1987; *R v Ferrari* [2002] VSCA 186; *R v Cogley* [1989] VR 799). The definition of “injury” in *Crimes Act 1958* s15 is not exhaustive. Jurors are free to use their own experiences when determining whether or not the complainant has suffered an injury (*R v Welsh & Flynn* Vic CCA 16/10/1987; *R v Ferrari* [2002] VSCA 186).²⁸³

As with ‘serious injury’ the jury is not restricted to considering physical injuries. ‘Injury’ includes unconsciousness, hysteria, pain and any substantial impairment of bodily function (*Crimes Act 1958* s15).

Causation and intention

The same elements and case law principles applying to causing and intending to cause serious injury will be applicable to the lesser offence of injury.

Recklessly causing serious injury (*Crimes Act 1958, Section 17*)

This is a marginally less serious charge than *intentionally* causing serious injury.²⁸⁴ There are four elements to the crime of *recklessly* causing serious injury as follows. The prosecution must prove beyond reasonable doubt that:

²⁸³ *Victorian Criminal Charge Book, Judicial College of Victoria* online, accessed at www.justice.vic.gov.au, 18 August 2009.

²⁸⁴ Although conceptually in criminal law recklessness has held to be a head of constructive intention.

1. The complainant suffered an ‘injury’;
2. The accused caused the complainant injury;
3. The accused was reckless about causing injury; and
4. The accused acted without lawful justification or excuse.

Serious injury

The elements of what counts for a serious injury and how the case law applies is the same as for the crime of intentionally causing serious injury (*Crimes Act 1958*, Section 16) as outlined above.

Causation

The issues of causation with regard to recklessly causing serious injury are the same as for the other crimes; that is, the victim’s serious injury must have been caused by the accused.

Recklessness

The law on recklessness is complex. Nonetheless, in simplified terms to have recklessly caused serious injury the accused must have been aware, when the relevant conduct was performed, that it would probably cause serious injury even if it was not necessarily the actual, calculated or specific intention to cause such injury. Sometimes there will be a very fine line between actual intent and reckless intent in these circumstances (*R v Crabbe* (1985) 156 CLR 464; *R v Sofa* Vic CA 15/10/1990).

The accused must have been aware that serious injury was ‘probable’ or ‘likely’ and was indifferent to the consequences:

It is not sufficient for him/her to have been aware that serious injury was merely “possible” or “might” result (*R v Crabbe* (1985) 156 CLR 464; *R v Campbell* [1997] 2 VR 585; *R v Nuri* [1990] VR 641).

The accused him/herself must have been aware that his/her conduct would probably cause serious injury. It is not sufficient that a reasonable person in the accused’s circumstances would have realised that their conduct would be likely to seriously injure the complainant (*R v Sofa* Vic CA 15/10/1990; c.f. *R v Nuri* [1990] VR 641).²⁸⁵

Conduct that is merely negligent will not meet the requirements of recklessness (*Banditt v The Queen* (2005) 224 CLR 262).

Recklessly causing injury (Crimes Act 1958, Section 18)

This offence has the following four elements. The prosecution must prove beyond reasonable doubt that:

1. The complainant suffered an ‘injury’;
2. The accused caused the complainant injury;
3. The accused was reckless about causing injury; and

²⁸⁵ *Victorian Criminal Charge Book, Judicial College of Victoria* online, accessed at www.justice.vic.gov.au, 18 August 2009.

4. The accused acted without lawful justification or excuse.

The definitions and elements with regard to causation and recklessness are the same as for the offence of recklessly causing serious injury. The only difference between the two crimes is the level of seriousness in the injury sustained.

Less serious offences – Common and Statutory Assaults

Common Law Assault

Assault is an indictable common law offence, although as will be discussed in the next section it is also an offence under Section 31 of the *Crimes Act*.

Common law assaults may occur with or without the actual application of physical force or violence. In some circumstances the threat of force or violence will be sufficient to constitute the offence if the sufficient threshold of intention is met. An historical distinction was made between *assault* (the threat of using force or the intentional putting the victim in fear of force being used) and *battery*, its actual infliction. The crime of assault now incorporates both situations (*R v Lynsey* [1995] 3 All ER 654; *Fagan v Commissioner of Metropolitan Police* [1969] 1 QB 439; *Pritchard v R* (1999) 107 A Crim R 88).

Whilst the charge of assault now includes both elements, the elements of the charge have been usually divided into whether the assault included the application of force or its mere threat.

Assaults with application of force

In cases where it is alleged that the accused actually applied force or violence to the victim the prosecution must prove that:

1. The accused in fact applied force to the body of the victim;
2. That application of force was intentional or the defendant was reckless or indifferent to whether the force was applied; and
3. The application of force was without lawful justification or excuse.

What is meant by 'force'

The force applied need not be violent or even cause harm or injury to the victim. A mere touch in some circumstances may constitute assault (*Collins v Wilcock* [1984] 1 WLR 1172), however the greater the level of violence used and consequent harm caused, the more likely it may be for the prosecution to prove their case. The force applied may be direct or indirect (*R v Pritchard* (1999) 107 A Crim R 88; *Director of Public Prosecutions v K* [1990] 1 WLR 1067. But cf. *R v Salisbury* [1976] VR 452; *Commissioner of Police v Wilson* [1984] AC 242; *R v Sheriff* [1969] Crim LR 260).

Assault without application of force

Where the assault does not involve actual bodily contact, the prosecution must prove that the victim apprehended or expected violence (*Ryan v Kuhl* [1979] VR 315). Moreover:

The complainant must know about the threat. Pointing a gun at the back of a person's head will not be an assault [if he or she is not aware of it] (*Pemble v The Queen* (1971) 124 CLR 107).

But 'mere words' will rarely constitute an assault:

[a]lthough they may in some circumstances (e.g. where they put the accused in fear of immediate violence) (*Zanker v Vartzokas* (1988) A Crim R 11; *R v Ireland*; *R v Burstow* [1997] 3 WLR 534).²⁸⁶

The victim's apprehension of violence being about to be perpetrated against his or her person may exist even where the accused is not able to execute the threat:

For example, where the accused points a replica gun at the complainant, but the complainant believes it to be real) (*R v Everingham* (1949) 66 WN (NSW) 122; *Logdon v Director of Public Prosecutions (UK)* [1976] Crim LR 121).²⁸⁷

Intention

With regard to the *mens rea* or intention element of the crime, the prosecution must prove that the accused intended their actions to cause the victim to apprehend the *immediate*²⁸⁸ application of force to their body:

It does not matter whether the accused was able to apply force to the complainant, nor whether they actually intended to apply such force. For this element to be satisfied, the accused only needs to have intended to create an apprehension in the complainant that force would be applied.²⁸⁹

For example, if the accused brandished a broken bottle at the victim with the intention of making him or her think they were about to be 'glassed', even if it was not his or her actual intention to carry through with the threat, he or she could be found guilty of assault.

With regard to *reckless* intent the prosecution must prove that the accused foresaw that injury would *probably* be inflicted (*R v Crabbe* (1985) 156 CLR 464; *R v Nuri* [1990] VR 641; *R v Campbell* [1997] 2 VR 585).

In relation to assaults involving an application of force, the accused must intend to apply force to the complainant, or be reckless as to that outcome (*R v O'Conner* (1980) 146 CLR 64).

²⁸⁶ *Victorian Criminal Charge Book, Judicial College of Victoria* online, accessed at www.justice.vic.gov.au, 18 August 2009.

²⁸⁷ *Victorian Criminal Charge Book, Judicial College of Victoria* online, accessed at www.justice.vic.gov.au, 18 August 2009.

²⁸⁸ For what is meant by immediacy in the context of assault, see (*Knight v R* (1988) 35 A Crim R 314; *Zanker v Vartzokas* (1988) 34 A Crim R 11).

In most cases threats of future violence will not constitute an assault. However, the case law has also held that if threats cause an immediate apprehension of violence, the assault may be established even though the victim does not know exactly when the physical violence will occur (*Barton v Armstrong* [1969] 2 NSWLR 451).

²⁸⁹ *Victorian Criminal Charge Book, Judicial College of Victoria* online, accessed at www.justice.vic.gov.au, 18 August 2009.

In relation to assaults not involving an application of force, the accused must intend to create an apprehension of immediate and personal violence, or be reckless as to that outcome (*Logdon v DPP* [1976] Crim LR 121).²⁹⁰

Lawful justifications and excuses

If the accused argues that he or she had a lawful justification or excuse for his or her conduct the prosecution must disprove the justification or excuse beyond reasonable doubt (*Zecevic v DPP* (1987) 162 CLR 645).

The most common justifications and excuses are:

- consent of the person to whom the force is applied;²⁹¹
- touching in the course of an ordinary social activity;²⁹²
- exercising a lawful power of arrest;
- lawful chastisement of a child;²⁹³
- lawfully conducted surgery or medical treatment;
- self-defence; and
- ejecting a trespasser.²⁹⁴

Statutory Assault – *Crimes Act 1998, Section 31*

The provisions for statutory assault under Section 31 of the *Crimes Act* apply primarily to specific circumstances involving the commission of other crimes or involving members of the police force. The five offences are:

1. Assaulting or threatening to assault a person with intent to commit an indictable offence – s31(1)(a).
2. Assaulting or threatening to assault a member of the police force (or person acting in aid of a member of the police force) in the due execution of duty – s31(1)(b).
3. Resisting a member of the police force (or person acting in aid of a member of the

²⁹⁰ *Victorian Criminal Charge Book, Judicial College of Victoria* online, accessed at www.justice.vic.gov.au, 18 August 2009.

²⁹¹ For example, a lawful boxing or other sporting contest within the properly constituted rules of the game. See *Pallante v Stadiums Pty Ltd (No.1)* [1976] VR 331.

²⁹² For example, jostling on a crowded bus or train. Consent to sexual intercourse between adults in most cases would also be a lawful excuse to a charge of (sexual) assault. But consensual sado-masochistic activities during sexual activity will not give rise to a successful defence if serious injury was caused during their occurrence. In other words, a person cannot in most cases consent to having serious injury inflicted upon their person in such circumstances (*R v Stein* [2007] VSCA 300; *R v Emmett* 18/6/1999 Vic CA; *R v McIntosh* [1999] VSC 358).

²⁹³ The rights of parents (or those *in loco parentis* such as grandparents or teachers) to inflict corporal punishment is circumscribed. The punishment must:

- be moderate and reasonable;
- have a proper relation to the age, physique and mentality of the child; and
- be carried out in a reasonable manner (*R v Terry* [1955] VLR 114).

The exception will not apply to teachers in government schools in Victoria where physical punishment is no longer permitted (*Education Act 1958* (Vic), reg XVI).

²⁹⁴ The law pertaining to the application of these excuses is complex. For a detailed exposition, see *Victorian Criminal Charge Book, Judicial College of Victoria* online, accessed at www.justice.vic.gov.au, 18 August 2009.

- police force) in the due execution of duty – s31(1)(b).²⁹⁵
4. Obstructing a member of the police force (or person acting in aid of a member of the police force) in the due execution of duty – s31(1)(b).²⁹⁶
 5. Assaulting or threatening to assault a person with intent to resist or prevent arrest – s31(1)(c).²⁹⁷

Unlike common law assault, the statutory offence of assault also contains a definition of what counts as an assault. It is defined in s31(2) to mean:

the direct or indirect application of force to the body of, or to the clothing or equipment worn by, a person.

‘Application of force’ is defined in s31(3) to include:

the application of heat, light, electric current or any other form of energy, as well as the application of matter in solid, liquid or gaseous form.

It should be reiterated that the offence of assault discussed above is that found in the *Crimes Act*. For relatively minor assaults, the provisions with regard to common assault under the *Summary Offences Act* 1966 could also be used, most notably Section 23, Common Assault and Section 24, Aggravated Assault. For the most part the case law and interpretation applicable to assaults charged under the *Crimes Act* will also be relevant to these lesser charges of assault. The only noticeable difference between the two types of assault is the lesser penalties that a charge under the *Summary Offences Act* will attract.²⁹⁸

²⁹⁵ The words ‘assault’, ‘resist’ and ‘intentionally obstruct’ have been interpreted as creating three separate chargeable offences (*R v Galvin (No 2)* [1961] VR 740).

For each of these offences there are two requirements:

- i. The person assaulted, resisted or obstructed must be a member of the police force, or a person aiding a member of the police force; and
- ii. The accused must know that the person is a member of the police force, or a person aiding a member of the police force (*R v Galvin (No 1)* [1961] VR 733; *R v Reynhoudt* (1962) 107 CLR 381).

For a detailed discussion of what is meant by a police officer acting in *execution of duty*, see *Victorian Criminal Charge Book, Judicial College of Victoria* online, accessed at www.justice.vic.gov.au and the case law discussed therein.

It should be noted that police officers who trespass or use excessive force, or who unlawfully detain a person, are acting outside their lawful authority and therefore are not acting in the execution of their duty (*Davis v Lisle* [1936] 2 KB 434; *R v Galvin (No 1)* [1961] VR 733; *Collins v Wilcock* [1984] 1 WLR 1172).

²⁹⁶ For a person to have obstructed a member of the police in the execution of duty, he or she must have:

- Acted in a way that prevents the police from carrying out their duty, or makes it difficult for them to do so; and
- Known and intended that their conduct would prevent the police from carrying out their duty, or make it more difficult to do so (*Lewis v Cox* [1985] 1 QB 509; *Goddard v Collins* [1984] VR 919).

The intention with which the accused acted need not necessarily have been hostile (*Lewis v Cox* [1985] 1 QB 509). Nor does the act of obstruction require actual assault. For example, the opening of a police car so the police could not drive away has been held to be obstruction for at common law and presumably would apply to this section (see *Lewis v Cox* [1985] 1 QB 509).

²⁹⁷ If the attempted arrest is unlawful, or the police officer is not acting in the lawful execution of their duty, a person is entitled to use reasonable force in self-defence (*Kenlin v Gardiner* [1967] 2 QB 510; *Bales v Parmeter* (1935) 35 SR (NSW); *Nguyen v Elliott* 6/2/1995 SC Vic; *Zecevic v Director of Public Prosecutions* (1987) 162 CLR 645).

²⁹⁸ A five-year maximum imprisonment penalty applies to assaults under Section 31 of the *Crimes Act* 1958. Under the provisions of the *Summary Offences Act* 1966, a three-month maximum imprisonment penalty applies to common assault (Section 23) and a twelve-month to two year maximum applies to various forms of aggravated assault under Section 24.

Assault against ambulance officers – *Summary Offences Act*, Section 51.

As with police officers there are special provisions making it an offence to assault an ambulance officer or paramedic worker in the course of their professional duties. Such a provision recognises the unfortunate reality that it is not uncommon for ‘ambos’ to be assaulted whilst attending or transporting patients in the course of their duties.²⁹⁹ Section 51 of the *Summary Offences Act* states as follows:

51. Obstructing operational staff members

- (1) A person must not assault, resist, obstruct, hinder or delay an operational staff member within the meaning of the *Ambulance Services Act 1986* in the course of the operational staff member providing care or treatment or attempting to provide care or treatment to a patient.

Penalty: 6 months imprisonment.

- (2) Subsection (1) does not apply to a patient referred to in that subsection.

Whilst the Committee believes such an offence is clearly warranted as discussed in Chapter 5 it also feels that it could be extended to cover the situation of other health professionals including doctors and nurses in hospital emergency rooms. It should also cover emergency workers and volunteers including metropolitan fire brigade, Country Fire Authority (CFA) and State Emergency Service (SES) workers.

Blunt trauma/injury: Is the law sufficient to address the consequences of these assaults?

Concern has been expressed during the course of this Inquiry about the perceived numbers of assaults involving kicking, beatings, ‘king hits’ and the like and the use of instruments such as baseball bats, particularly where this has resulted in serious brain trauma, head injuries or related consequences. This certainly has been a concern of some members of the Victoria Police who gave evidence to this Inquiry.³⁰⁰

Medical personnel working in casualty and emergency medicine sections of major Victorian hospitals also raised this issue of blunt instrument assaults. Professor Cameron, Director of the Emergency and Trauma Centre at the Alfred Hospital, stated that since the Alfred Hospital trauma register commenced in 2001 there has been a little rise in penetrative injuries (mainly knife injuries and stabbings) but a ‘marked rise’ in blunt assaults:

Blunt assaults include anything that is not sharp, so that includes fists – probably the most common – but also baseball bats, truncheons and whatever other item they can get their hand on. These are assaults, so this is where the incident was thought to be as a result of somebody deliberately hitting someone, as opposed to running into a branch or something

²⁹⁹ See the discussion in Chapter 5 of this Report.

³⁰⁰ See for example, Evidence given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria of: Assistant Commissioner Stephen Fontana, Victoria Police, Public Hearing, Melbourne, (8 October 2009 and 22 February 2010); Inspector Barry Malloch, Victoria Police, Licensing Inspector, Forum, Geelong (29 October 2009); Inspector Gerry Rudkins, Victoria Police, Public Hearing, Ballarat (28 October 2009); and Inspector Clive Rust, Victoria Police, City of Stonnington, Public Hearing, Melbourne (8 October 2009).

like that. So you can see there has really been a three or even fourfold increase over that period of time, which in any sort of epidemiological sense is quite significant.³⁰¹

To address these concerns it has been suggested that a special offence should be created to provide for assaults that result in blunt trauma or injury, most notably assaults caused by the use of fists (beatings, king hits), or through the use of kicking, particularly where heavy boots are used.³⁰² Some of these views seem to be predicated on the view that the penalty for causing injuries through the use of the knives (ie. stabbings) are more severe than for the use of parts of the body such as fists or legs. This is not in fact the case. The 'injury against the person' and 'assault' provisions of the *Crimes Act* are based on the intent of the offender and the resulting harm. Therefore, if a person sustains serious injury as a result of the use of a 'king hit', for example, the offender will theoretically be charged with the crime of serious injury against the person under Section 16 of the *Crimes Act* just as he or she would be if they caused serious injury through the use of a knife if the intent of the person was to inflict serious injury. On this issue Professor Arie Freiberg of Monash University told the Committee:

The principles we have looked at in the Court of Appeal cases say that the possession and use of a weapon might be a strong marker for premeditation [intent], ...So you have the culpability element and you have what I think is probably as important which is the amount of harm that is inflicted. If you look at the outcome – catastrophic injuries, permanent disability, fear, psychological damage – then it does not matter whether it is done by a weapon; with whatever it is you are basically looking at the seriousness of the harm to the victim. If you are looking at the weapons, that may only go to premeditation – that means you are out to go and bash someone.

In [a] very recent case...three co-accused were charged with a number of offences such as serious injury and recklessly causing serious injury. There were no weapons, just stomping on the head and catastrophic injuries. The DPP appealed and all three received total effective sentences of 11 years and 6 months with non-parole periods of 9 years. So when they are charged on indictment, you are talking about quite serious sentences.

[The court] said there that the fact that a lethal weapon was not used may constitute absence of an aggravating circumstance but the capacity of someone to do injury with their hands or feet should not be underestimated.³⁰³

The *Crimes Act* penalties are therefore equally applicable to 'fist crime' as they are to the use of knives and the maxima that can be sentences apply equally in both cases.³⁰⁴ Whether judges and magistrates are handing down sentences which are generally on par in cases of both blunt trauma assaults and knife assaults is another issue, although Professor Freiberg

³⁰¹ Evidence of Professor Peter Cameron, Director of Emergency and Trauma Centre, Alfred Hospital, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 9 November 2009. See also: Evidence of Dr Jaycen Cruickshank, Director of Emergency Medicine, Ballarat Health Services, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009; Evidence of Associate Professor Tony Walker ASM, Ambulance Victoria, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

³⁰² Under Section 24 (2) of the *Summary Offences Act* there is however already an offence of aggravated assault that increases the penalty when the assault is done by kicking or through the use of any weapon or instrument. In such cases the maximum penalty will be two years rather than the three months maximum for common assault under Section 23. This, however, is a summary crime rather than the indictable crimes charged under the *Crimes Act* and as such the penalty cannot be increased past this statutory maximum.

³⁰³ Evidence of Professor Arie Freiberg given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 December 2009.

³⁰⁴ See Section 16, *Crimes Act* 1958 and the discussion above.

suggests the Committee be wary of relying upon anecdotal evidence that suggests sentencing in cases involving kicking, stomping or punching is treated less seriously than those cases involving weapons. In his view there is little hard evidence to suggest judges or magistrates regard the infliction of injury by the use of kicking any less seriously than that meted out by a baseball bat, nor do sentences necessarily reflect this.

Professor Freiberg, whilst generally believing that in most cases judges and magistrates ‘get it right’ with regard to sentencing, told the Committee there may be some value in assisting judges and magistrates with advice on the use of their sentencing discretion. To this end, the Sentencing Advisory Council of Victoria, of which he is Chairperson, has been working with sentencers to examine the types of factors that should be taken into account in the sentencing of particular crimes. Although the sentencing guides produced by the Council in association with the magistracy/judiciary have concentrated thus far on breaches of domestic violence orders, there is no reason according to Professor Freiberg why a similar process could not be engaged in with regard to other crimes including assaults.³⁰⁵

Street and disorder offences

There are a number of other charges that can be used against a person in the context of violence, disorder or antisocial behaviour that are less serious than the assault and offences against the person provisions discussed above. Many of these relate to the consumption of alcohol. In some cases they may be charged in addition to the more serious offences found in the *Crimes Act*. Since 2008 many of the relatively minor public order offences discussed below may alternatively be dealt with by way of issuing an infringement notice rather than charge, court appearance and conviction.³⁰⁶ This is another way in which the law and alternative legal approaches to actual and potential instances of public disorder can be used as a preventive strategy.

Alcohol-related offences – The *Summary Offences Act*³⁰⁷

The key provisions with regard to policing alcohol-related disorder that falls short of serious violence are found in the public drunkenness offences of the *Summary Offences Act* 1966 (Vic). They are as follows.

³⁰⁵ Evidence of Professor Arie Freiberg given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 December 2009.

³⁰⁶ See Section 60AA, *Summary Offences Act* 1966 as amended and discussion below.

³⁰⁷ These provisions have been discussed at length in the following Reports of the Drugs and Crime Prevention Committee:

- Drugs and Crime Prevention Committee, *Inquiry into Public Drunkenness in Victoria*, Parliament of Victoria 2001.
- Drugs and Crime Prevention Committee, *Inquiry into Strategies to Prevent Harmful Alcohol Consumption*, Parliament of Victoria 2006.

Section 13. Drunk in a Public Place³⁰⁸

Victoria is the only state in the country where being drunk in a public place is a criminal offence. Section 13 simply allows for the offence of being found drunk in a public place. No disorderly, disruptive or obnoxious behaviour is required. To be found drunk in a public place simply means to be discovered or seen drunk in a public place and arrested contemporaneously by a police officer.³⁰⁹

Drunkenness has been judicially defined as where a person's 'physical or mental faculties or his judgement are appreciably and materially impaired in the conduct of the ordinary affairs or acts of daily life'.³¹⁰ Each case will be dealt with upon its own particular facts,³¹¹ although there is South Australian case law to the effect that 'drunk' is not 'a term of art'.³¹² It is not necessary to prove complete or absolute incapacity. A leading commentary on Victorian criminal law, however, states:

But it must be borne in mind that being drunk requires more than proof of being 'under the influence'...it appears that a substantial degree of incapacity must be proved before an offence under this section is established.³¹³

Finally, the South Australian Supreme Court in a case that interprets a comparable public drunkenness provision of the legislation then in existence,³¹⁴ held that the prosecution in public drunkenness cases is not required to prove that the defendant either *intended* to get drunk or realised that he was in a public place.³¹⁵ Nor was it a defence for the defendant to claim that he had been removed from private to public premises against his will as long as that removal was done by lawful means.³¹⁶

³⁰⁸ Section 13. Persons found drunk

Any person found drunk in a public place shall be guilty of an offence and may be arrested by a member of the police force and lodged in safe custody.

Penalty: 1 penalty unit.

³⁰⁹ See *Sheehan v Piddington; Ex Parte Piddington* (1955) QSR 574.

³¹⁰ *R v Ormsby* (1954) NZLR 109, at p109 per Fair J.

³¹¹ *Brown v Bowden* (1900) 19 NZLR 98.

³¹² See *Normandie v Rankine* (1972) SASR 205.

³¹³ Paul's Summary and Traffic Offences, p.51.

³¹⁴ Police Offences Act 1953 (S.A).

³¹⁵ *O'Sullivan v Fisher* (1954) SASR 33.

³¹⁶ For example, if the occupier of private premises removes the defendant from the residence.

In *Normandie v Rankine* (1972) 4 SAS.R 205, the meaning of the term 'drunk' was considered. In this case, the respondent had been charged with being drunk in a public place. Evidence was given by the police prosecutor that the respondent had exhibited signs of drunkenness such as slurred speech, unsteadiness and the smell of liquor on his breath. The magistrate found that whilst there was some evidence that his faculties were impaired by the consumption of alcohol, he was nonetheless not drunk, as 'he was not so affected by alcohol as to be incapable of giving proper consideration to his own safety and the safety of others'. On appeal, Walters J. rejected the proposition of a precise formulation as to what being 'drunk' is. He commented that the correct approach was for the magistrate to determine as a matter of fact whether the person was drunk in the sense of 'what an ordinary reasonable person would consider such' (ibid at p.212). In his view in this particular case there was sufficient evidence to justify a conviction and therefore a retrial was required.

Furthermore, it was also held in this case that the usual rules with regard to expert evidence do not apply in hearing evidence with regard to public drunkenness offences. As such, the opinion of a police officer who has observed the drunk person's behaviour is admissible to determine the condition of the defendant. Mr Justice Walters approved and adopted the views of Chief Justice Napier in an earlier South Australian case that an experienced police officer is qualified to express opinions as to whether a defendant is intoxicated. His Honour stated in that case that 'in the ordinary course of his life a policeman sees quite a lot of common garden drunks'. See *Warming v O'Sullivan* (1962) SASR 287 per Napier C.J.

Section 14. Drunk and Disorderly³¹⁷

Section 14 requires something more in the conduct of the person arrested. The person needs to be drunk *and* disorderly. Disorderly in this context includes noisy, disruptive and generally objectionable behaviour.³¹⁸

In *Kruger v Humphreys*³¹⁹ it was stated that behaviour short of conduct that actually provoked the peace, or was designed to do so, could form the basis of this charge. According to this case it could cover situations that would 'disturb the quiet and good order of the neighbourhood or the peace and comfort of the homes of other persons'.³²⁰ The penalty on conviction is a maximum fine of \$100 or imprisonment for three days. For a second or subsequent offence, the maximum penalty is \$500 or imprisonment for one month.

Section 16. Drunk and Riotous Behaviour³²¹

Section 16 provides for the arrest and charge of people who behave in a *riotous* or *disorderly* manner in a public place whilst drunk. Note that this is a disjunctive and not conjunctive provision. In other words, one does not have to be both disorderly *and* riotous, either one will be sufficient to sustain the charge. The effect of this provision is that the person can be charged under this section for drunk and disorderly conduct, and receive a higher penalty for behaviour that constitutes the same offence under Section 14. It may be that this section would be used in cases where the police judge the behaviour of the drunk person as having a higher degree of disruption or disorderliness than that which would warrant charges under Section 14.

³¹⁷ Section 14. Persons found drunk and disorderly

Any person found drunk and disorderly in a public place shall be guilty of an offence.

Penalty: For a first offence – 1 penalty unit or imprisonment for three days; For a second or subsequent offence – 5 penalty units or imprisonment for one month.

³¹⁸ In *Barrington v Austin*, the judge stated:

'I have no doubt that the words disorderly behaviour refer to any substantial breach of decorum which tends to disturb the peace or to interfere with the comfort of other people who may be in, or in the vicinity of, the street or public place' (1939, SASR 130 per Napier J at p.132).

³¹⁹ (1968) SASR 75.

³²⁰ In the New Zealand case of *Melzer v Police* it was stated by Justice Turner that:

'Disorderly conduct is conduct which is disorderly; it is conduct which while sufficiently ill mannered, or in bad taste, to meet with the disapproval of well conducted and reasonable men and women, is also something more – it must ... tend to annoy or insult such persons as are faced with it – and sufficiently deeply or seriously to warrant the interference of the criminal law' (1967, NZLR 437 at p.444).

Importantly, however, Turner J stated that once this threshold had been passed it was not necessary to produce witnesses who had actually been so insulted or alarmed.

³²¹ Section 16. Drunkards behaving in riotous or disorderly manner

Any person who, while drunk:

- a) behaves in a riotous or disorderly manner in a public place;
- b) is in charge, in a public place, of a carriage (not including a motor vehicle within the meaning of the *Road Safety Act* 1986) or a horse or cattle or a steam engine shall be guilty of an offence.

Penalty: 10 penalty units or imprisonment for two months.

Riotous behaviour has been defined as: ‘of a character likely to occasion alarm of some kind to some of the public’.³²² In a later case this definition was expanded to include:

behaviour of a kind to cause alarm to some members of the public of a reasonable courageous disposition, that alarm amounting to a fear that a breach of the peace is likely to be occasioned.³²³

Section 16 also deals with offences such as being drunk in a public place whilst in control of a carriage (which includes a bicycle), steam engine, a horse or cattle.

The penalty for a Section 16 offence is a maximum of \$1000 or imprisonment for two months.

Public place

The definition of a public place for the purposes of public drunkenness crimes is to be found in Section 3 of the *Summary Offences Act 1966*.

The concept of public place consists of specific definitions that include well frequented locations such as public streets, schools, football grounds and theatres. The legal definition also embraces catch-all provisions of general import.³²⁴

It is very rare that anyone charged with being drunk in a public place would contest the charge in a court of law. As Chapter 13 discusses, most people charged with the offence would be convicted and discharged in their absence. Thus problems of proof and evidentiary matters are rarely considered.

Other offences to quell disorder and antisocial behaviour

Obscene, Threatening and Indecent Behaviour – Section 17, Summary Offences Act 1966

It is possible that police could use this charge in relevant public order situations whether or not the offender is intoxicated. Of particular note is Section 17(1)(c) and (d):

- Any person who in or near a public place or within the view or hearing of any person being or passing therein or thereon –
 - (c) uses profane indecent or obscene language or threatening, abusive or insulting words; or

³²² *Burton v Mills* (1896) 17 ALT 262.

³²³ *Ex parte Jackson: Re Dowd* (1932) 49 WN (NSW) 126.

³²⁴ For some interesting cases that have interpreted what is meant by public place in the context of the *Summary Offences Act 1966*, see *McIvor v Garlick* [1972] VR 129 per Newton J; *Mansfield v Kelly* (1972) VR 744, Full Court Supreme Court of Victoria.

Other related laws of relevance to public drunkenness are those found in the *Vagrancy Act 1966* (Vic) and in regulations under the *Transport Act 1983* (Vic) (drinking alcohol on public transport).

Most municipal and shire councils also have by-laws prohibiting the consumption of intoxicating liquors in public places except when permitted to do so – see *Local Government Act 1989* (Vic). (See also extended discussion with regard to public drinking and municipal regulation in Chapter 16 of this Report.)

For offences involving driving or being in control of a motorcar whilst being incapable due to intoxication, see the more serious offences under section 49 of the *Road Safety Act 1986* (Vic). For provisions relating to being drunk on licensed premises, see *Liquor Control Act 1987* (Vic).

- (d) behaves in a riotous indecent offensive or insulting manner shall be guilty of an offence.

These are feasible alternatives to use in circumstances where a person's behaviour may have the potential to get out of control, particularly in a crowd situation. The use of the term 'riotous' in particular gives the police some leeway in this regard (cf. s16 *Summary Offences Act 1966* – drunk and riotous behaviour).

Disorderly Conduct – Section 17A, Summary Offences Act 1966

A recent amendment to the *Summary Offences Act* introduces the offence of disorderly conduct. This offence operates in a similar way to the offence of drunk and disorderly (Section 14) with the aim of covering offenders who are acting in a disorderly manner in a public place but are not necessarily drunk or alcohol affected.³²⁵

Breach of the Peace/Causing Disturbance

Generally speaking many of the offences to be found under statutes such as the *Summary Offences Act 1966* are also common nuisances at common law.

Every person is guilty of a misdemeanour at common law (known as a common nuisance) who does an act not warranted by law, or omits to discharge a legal duty if the effect of the act or the omission is to endanger the life, health, property, morals or comfort of the public, or to obstruct the public in the exercise or enjoyment of rights common to all His Majesty's subjects.³²⁶

At common law any *person* could arrest without warrant anyone committing a breach of the peace in his presence; or whom he reasonably believes will commit such a breach in the immediate future; or where a breach of the peace has been committed and it is reasonably believed that a renewal of it is threatened. Sloan (1996) defines a breach of the peace as follows:

There is a breach of the peace whenever harm is done or is likely to be done to a person, or in his presence to his property, or a person is in fear of being so harmed through an assault, an affray, a riot, unlawful assembly or some other disturbance.³²⁷

For a citizen or officer to effect arrest for breach of the peace there must be:

- a reasonable cause to suspect a breach of the peace; and
- a reasonable expectation of it continuing.³²⁸

³²⁵ See below for further discussion of a new legislative suite of measures to address public disorder.

³²⁶ I Hawk PC, c 75, cited in *Paul's Police Offences*, p.619.

³²⁷ As for a discussion of affray, see later in this chapter.

³²⁸ For cases discussing breach of the peace, see Wright; *Ex parte Klar* (1971) 1 SASR 103; *Mann v Yannacos* (1977) 16 SASR 54; *Bessit v Semple* (1985) 38 SASR 511.

Halsbury states that:

A police officer has a continuing duty to prevent disturbances in public or breaches of the peace, whether or not he or she is in uniform, and regardless of whether the relevant incident occurs within the officer's ordinary working hours.³²⁹

Rout and Riot

If three or more persons gather in unlawful assembly for the purpose of committing or preparing to commit a crime of violence or carry out any purpose in an unlawful manner and they have begun to move towards the achievement of their object, in however small a way, they will be guilty of the common law offence of Rout. Waller and Williams (2009) states the 'essence of this offence is that it has a tendency to create a breach of the peace' (p.607).

If the assembly has begun to execute the common purpose and 'in doing so displayed such violence as to alarm at least one person of reasonable firmness and courage' (Waller & Williams 2009, p.607), its members, if they can be shown to intend to assist one another by the use of force, can be found guilty of the common law crime of riot.

The problem with the use of offences such as rout and riot is that one needs to show that it was the intent of the participants to use force to achieve that common purpose. In many cases where the police may want to quell public disturbance or potential of same, violence occurs almost spontaneously or at least without a premeditated common purpose.

Affray

The basis of the offence of affray is that a person has participated in a violent breach of the peace thus *causing terror to others*. The constituent elements of the offence were discussed in the English case of *R v Taylor*:

- the offence will ordinarily consist of participation in actual fighting; but
- brandishing an offensive weapon is sufficient to constitute the offence;
- it may occur in a private or public place;
- it may be committed by one person alone;
- the accused's conduct must be *calculated* to terrify a person of *reasonable firmness*. Waller and Williams interpret this as meaning that it is not sufficient that it merely *might* so terrify; but
- as a corollary, however, it is not necessary that persons present at the time were *actually* terrified.

³²⁹ Halsbury's *Laws of Australia*, Service 80, pp.585, 180.

In the case of *Albert v Lavin* the House of Lords upheld the principle that a police officer has not only a common law *right* but also a *duty* to prevent a breach of the peace. Lord Diplock was to state in this case:

'[e]very citizen in whose presence a breach of the peace is being, or reasonably appears to be about to be, committed has the right to take reasonable steps to make the person who is breaking or threatening to break the peace refrain from doing so; and those reasonable steps in appropriate cases will include detaining him against his will.'

This position, however, has been somewhat superseded by a codification of arrest powers in the *Crimes Act* 1958.

Despite the essence of the offence being the effect of the violent act on innocent third parties, Waller and Williams make the following point:

Nor in the case of affrays taking place in a public place is it necessary that a bystander be present or likely to be present. It is sufficient if the unlawful fighting, violence or display of force was such that a bystander of reasonable firmness and courage, if present, might reasonably be expected to be terrified (see on this point, *Attorney General's Reference No 3 of 1983* – [1985] 2 WLR 253) (Waller & Williams 2009, p.87).

The problem with police charging with affray (despite the fact that many police officers may not be aware of the offence given it is so seldom used) is that there are potential problems of proof in determining intent of the participants, whether a person was terrified, whether a person can be said to be of reasonable firmness etc.³³⁰

Move on powers and other new legislative provisions to address perceived rising disorder

Move on laws

In an attempt to prevent or pre-empt violence occurring, particularly in areas known as trouble 'hot spots', recent amendments to the *Summary Offences Act*³³¹ have introduced 'move on powers' that allow police to give directions to leave a particular area of a public place³³² in circumstances where a police officer believes on reasonable grounds that:

- (a) the person is or persons are breaching, or likely to breach, the peace; or
- (b) the person is or persons are endangering, or likely to endanger, the safety of any other

³³⁰ There are also a variety of miscellaneous offences under the *Summary Offences Act*, some of them somewhat arcane, that could be used to prevent public order disturbances. Section 7 of the Act deals with Offences tending to personal injury or damage to property. For example Section 7(g) of the *Summary Offences Act* states that:

'Any person who –

Throws or discharges a stone, arrow or other missile to the injury of or danger to any person or damage to any property – shall be guilty of an offence'.

Section 9 of the Act concerns trespass and/or wilful destruction and damage. For example, under Section 9(g) of the Act it is an offence for any person:

'without lawful excuse [to] enter any place (whether private or public) in a manner likely to cause a breach of the peace or reasonable apprehension of a breach of the peace'.

³³¹ The *Summary Offences and Control Of Weapons Acts Amendment Act 2009* which came into operation in December 2009 introduced a new Division IA [Move On Powers] into the parent *Summary Offences Act*.

³³² Prior to such legislative reforms being introduced at state level a number of municipal councils were attempting to introduce these provisions as local by-laws. For example, a proposed by-law for the City of Frankston in Victoria aimed to address antisocial behaviour in order to improve the amenity of Frankston City for its residents. In doing so it would give new powers to authorised officers (including police) enabling them to direct a person to leave a public place and not return for up to 24 hours if:

'[t]he officer considers a person in a public place is acting in such a way as to interfere with another person's reasonable use and enjoyment of the public place or their behaviour endangers, is likely to endanger, or destroys, damages or interferes with health, life or property'.³³²

The concern of agencies such as the Youth Affairs Council of Victoria was that:

'laws that permit moving on people who behave in antisocial ways may concentrate less on criminal offending than non-criminal inconsiderate behaviour, itself a somewhat subjective notion. Moreover, such proposals may be in breach of Council obligations under the Victorian Charter of Human Rights and Responsibilities'. See Submission from Peninsula Community Legal Centre, Youthlaw and Youth Affairs Council of Victoria to Proposed Amendments to Frankston City Council, General Local Law 2003, No 7, April 2009. Accessed at www.yacvic.org.au, 6 May 2009.

- person; or
- (c) the behaviour of the person or persons is likely to cause injury to a person or damage to property or is otherwise a risk to public safety.³³³

Such directions may be given orally or in writing.

If such a direction is given the person or persons can be banned from returning to the specified public place or part of a public place or for a period of not more than 24 hours.³³⁴ Move on powers will not be applicable in circumstances involving picketing, political or other demonstrations or protests.³³⁵

Criticisms of 'move on' powers

One of the main criticisms made of move on laws is that they can be used in discriminatory ways to police the behaviour of young people. The New South Wales Law Reform Commission's (LRCNSW) Report on Youth Offending notes that juvenile offences are very often related to the use of public spaces such as shopping malls, train or bus stations or public transport generally:

However, this in itself, together with the fact that juvenile offences are often episodic and opportunistic in nature, makes them more visible and easier to detect. In turn, high visibility and detection rates, especially as compared with adult offending, can result in skewed perceptions of the extent of juvenile offending (LRCNSW 2005, p.10).

The use of public space by young people is seen by some quarters as in itself destabilising and threatening. Traditionally police have used a number of offences such as offensive behaviour, offensive language, resisting arrest or other public order type offences to minimise disorder in public spaces frequented by young people. At other times special laws have been passed when there have been spikes in crime, disorder or violence. It has been argued that while the 'move on' and 'knife laws'³³⁶ that were introduced in New South Wales appear not to be directed at any particular age group they were clearly drafted with young people in mind (LRCNSW 2005, p.55).

A review of extended search and 'move-on' powers by the New South Wales Police Ombudsman found that disproportionate numbers of young people *were* searched under the 'knife laws' and dispersed under the 'move on' laws. Of those 'moved on' during the period of the review, 47 per cent were 17 years or younger (LRCNSW 2005).

Commenting further on this Report, the Victorian community legal centre Youthlaw states:

The NSW Ombudsman (1999 report) reviewing 14,455 move-on directions issued during one year concluded that around 50 per cent of the directions were issued without a valid reason.

The review also found that:

³³³ Section 6, *Summary Offences Act 1966*.

³³⁴ Section 6 (3), *Summary Offences Act 1966*.

³³⁵ Section 6 (5), *Summary Offences Act 1966*.

³³⁶ Under extended powers of the NSW *Summary Offences Act*, police may search a person without warrant for knives and other dangerous implements (*Summary Offences Act 1988 S28A*). One of the grounds that would make it reasonable for a police officer to conduct such a search would be that the person is present in a location with a high incidence of violent crime. See also *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW).

- 48 per cent of all directions were issued to people under 17, with the peak age being 16.
- 16 year olds were nine times more likely to be ‘moved on’ than 26 year olds, and 19 times more likely than 36 year olds.
- Move-on directions were issued to young people more on the basis of who they were, rather than what they were doing.
- Young people hanging out in groups were often thought to be intimidating or likely to cause fear by their mere presence.
- In all recorded incidents for the year, young people under 25 represented 54 per cent of total incidents, but the same group accounted for 79 per cent of move on directions in the same period.³³⁷

One of the main criticisms of move on powers is that they are almost always issued on the basis of a police officer or other official’s subjective discretion. In many cases it is not required of the issuer to give reasons as to why the person must move on or if a reason is given whether it is legitimate or whether the person understood the direction.³³⁸

Infringement notices

Under Section 60AA of the *Summary Offences Act* an alternative method for dealing with relatively minor public disorder offences other than by way of charge and arrest is to issue an infringement notice.

The infringements system is designed for people to be able to pay a monetary offence (sometimes known as an ‘on the spot fine’) in lieu of court proceedings. Under Section 60AA a police officer may serve an infringement notice when he or she has reason to believe that a person has committed one of the following offences under the *Summary Offences Act*:³³⁹

- where a person has been ordered in a public place to move on and refuses to (Section 6)
- where a person is found drunk in a public place (Section 13)
- where a person is found drunk and disorderly in a public place (Section 14)
- where a person in a public place uses indecent or obscene language or uses threatening, abusive or insulting words (Section 17c)
- where a person behaves in a riotous, indecent, offensive or insulting manner (Section 17d)
- where a person is found committing disorderly behaviour in a public place (Section 17A)
- where a person is acting in an offensive manner in a motor vehicle in a declared area (Section 18).

³³⁷ Submission from Peninsula Community Legal Centre, Youthlaw and Youth Affairs Council of Victoria to Proposed Amendments to Frankston City Council, General Local Law 2003, No 7, April 2009. Accessed at www.yacvic.org.au, 6 May 2009.

³³⁸ Submission from Peninsula Community Legal Centre, Youthlaw and Youth Affairs Council of Victoria to Proposed Amendments to Frankston City Council, General Local Law 2003, No 7, April 2009. Accessed at www.yacvic.org.au/ 6 May 2009.

The use of move on powers is discussed further in the Drugs and Crime Prevention Committee’s *Inquiry into strategies to prevent high volume offending and recidivism by young people* (2009).

³³⁹ For an account of these offences, see discussion above.

Clearly the use of infringement notices are not mandated in cases where serious physical violence or assault has occurred.

Members of Victoria Police have viewed the extension of infringement notices to public disorder offences as a positive step. In particular these notices are seen as useful as they can be issued 'on the spot'.³⁴⁰

Disorderly conduct

As discussed above, recent amendments to the *Summary Offences Act* have provided for a summary offence to be charged in cases where a person's behaviour is viewed as disorderly but not necessarily affected by alcohol.³⁴¹

Controlled weapons legislation

Under the *Control of Weapons Act* 1990 police have powers to search for and seize a range of *prohibited* and *controlled* weapons other than firearms.³⁴² The Control of Weapons Regulations 2000 list what should be proscribed as either prohibited or controlled weapons in addition to making provisions for regulating body armour.

Prohibited weapons

Prohibited weapons include the more dangerous or aggressive of weapons, which usually will serve no other utilitarian purpose, such as flick knives, daggers, butterfly knives, switchblades, swordsticks, some crossbows, blow-guns, weighted gloves and the like. These are weapons that have little intrinsic or legitimate purpose.

A person must not bring into Victoria; or

- manufacture, sell or purchase; or
- display or advertise for sale; or
- possess, use or carry-

a *prohibited weapon* without an appropriate exemption or approval under the Act.³⁴³

There are stricter provisions that apply to a person found with a prohibited weapon who is in licensed premises or in a public place that is in the immediate vicinity of licensed

³⁴⁰ See comments of Assistant Commissioner Stephen Fontana, Victoria Police, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 22 February 2010.

³⁴¹ See Section 17A, *Summary Offences Act* 1966.

³⁴² Firearms are regulated separately under the *Firearms Act* 1958.

³⁴³ *Control of Weapons Act* 1990, Section 5 (1). Penalty: 240 penalty units or imprisonment for two years.

premises without exemption or approval.³⁴⁴ This provision was inserted by the *Justice Legislation Amendment Act 2007* in recognition of the concerns felt by the use of violence and potential alcohol-fuelled violence in and around licensed premises.³⁴⁵

Controlled weapons

A person must not possess, carry or use a controlled weapon without *lawful excuse*.³⁴⁶ Under the regulations, controlled weapons include *inter alia* batons, cudgels, spear guns, imitation firearms and cattle prods. They are implements that, whilst regulated, in some cases may be used for legitimate reasons, for example licensed spear fishing.

Similar to prohibited weapons, a person who is in licensed premises or in a public place that is in the immediate vicinity of licensed premises must not possess, carry or use a controlled weapon without lawful excuse.³⁴⁷

A person must not carry a controlled weapon unless it is carried in a safe and secure manner consistent with the lawful excuse for which it is possessed or is carried or is to be used.

‘Lawful excuse’ includes-

- the pursuit of any lawful employment, duty or activity; and
- participation in any lawful sport, recreation or entertainment; and
- the legitimate collection, display or exhibition of weapons.³⁴⁸

Carrying the weapon for self-defence is not viewed as a legitimate purpose or lawful excuse.³⁴⁹

³⁴⁴ *Control of Weapons Act 1990*, Section 5 (1A). Penalty: 480 penalty units or imprisonment for four years.

³⁴⁵ In this regard, Mr Bob Cameron, the Minister for Police and Emergency Services, made the following comments in the second reading speech of the Bill:

‘In particular, the amendments will clamp down on crimes involving weapons in and around licensed venues such as hotels, clubs, bars and restaurants. Excessive consumption of alcohol by persons carrying weapons is often a contributing factor to the aggressive use of such weapons. The presence of weapons in or near licensed venues, where alcohol-related aggression is more likely to flare, significantly increases the threat of serious injury or death resulting from the use of weapons and puts public safety at risk.

To deter alcohol-related violence at such venues and make existing sanctions more effective, the penalties for unlawfully possessing, carrying or using weapons or dangerous articles in and around licensed premises will be doubled.

These new penalties will apply both in licensed premises and in any public place within the immediate vicinity of licensed premises. The term ‘immediate vicinity’ is defined in the Bill as being within 20 metres of licensed premises. The objective is to deter violent behaviour involving weapons not only in licensed venues but also immediately outside the venues to prevent these areas becoming a focus for disorder and violent crime.

The venues that are subject to the new penalties are licensed pubs, hotels and taverns, licensed clubs, and licensed restaurants, bars and cafes’ (Mr Bob Cameron, *Hansard (Assembly)*, 22 August 2007, p.2917).

³⁴⁶ *Control of Weapons Act 1990*, Section 6 (1)

Penalty: 120 penalty units or imprisonment for one year.

³⁴⁷ *Control of Weapons Act 1990*, Section 6 (1A)

Penalty: 240 penalty units or imprisonment for two years.

³⁴⁸ *Control of Weapons Act 1990*, Section 6 (3).

³⁴⁹ *Control of Weapons Act 1990*, Section 6 (3).

In considering whether a person has lawful excuse to possess, carry or use a controlled weapon, the ‘court must have regard to the circumstances, such as time and location, of the incident’.³⁵⁰

Under Section 10 of the Act the police have been given extensive powers to search a person or vehicle for prohibited and controlled weapons *without search warrant* when they have reasonable grounds to believe that the person is carrying or the vehicle contains a weapon in contravention of the Act. The police officer may then seize and detain any weapon found during or subsequent to the search.³⁵¹ Of interest is the provision in Section 10 (2) stating that the fact that a person is present:

in a location with a high incidence of violent crime may be taken into account in determining whether there are reasonable grounds for suspecting that the person is carrying a weapon or has a weapon in his or her possession.

Arguably such a provision could be relied upon in areas which traditionally are associated with high levels of alcohol-related violence, particularly when such areas are also subject to the banning notice provisions of the *Liquor Control Reform Act 1998* as discussed below.³⁵²

Provisions to deal with alcohol-related violence under the Liquor Control Reform Act 1998

As part of a raft of measures to address and reduce alcohol-related violence and disorder, amendments to the *Liquor Control Reform Act 1998* (LCRA) were made in 2007 to allow for:

- the declaration of *designated areas*
- the making of *banning notices*; and the
- application for *exclusion orders*.

Designated areas

Under section 147 of the LCRA the Director of Liquor Licensing may declare a particular area to be a ‘designated area’ for the purposes of issuing banning notices. To do so the Director, in consultation with the Chief Commissioner of Victoria Police, must believe that:

³⁵⁰ Control of Weapons Act 1990, Section 6 (4).

³⁵¹ Control of Weapons Act 1990, Section 10 (1).

³⁵² At the time of writing the Victorian Parliament is debating the Control of Weapons Amendment Bill 2010 (the bill). The purpose of the bill is to amend the *Control of Weapons Act 1990* to implement a number of changes. These include:

- the prohibition of the sale of prohibited and controlled weapons to children;
- the broadening of unplanned search powers with regard to prohibited and controlled weapons;
- provisions for the conduct of strip searches;
- the provision for police to issue on-the-spot fines for unlawful carriage of weapons to those over 16; and
- the relaxation of the requirements for independent persons to be present at searches of children.

- alcohol-related violence or disorder has occurred in a public place that is in the immediate vicinity³⁵³ of licensed premises within the area; and
- the exercise of powers in relation to the area is reasonably likely to be an effective means of reducing or preventing the occurrence of alcohol-related violence or disorder in the area.³⁵⁴

Once an area is proclaimed a designated area it may be subject to having banning notices and exclusion orders made which take effect within its boundaries.

Banning notices

Where a police officer suspects on reasonable grounds that a person is or has committed a *specified offence* within the designated area he or she may issue that person with a notice banning that person for a specified amount of time (not exceeding 72 hours) from the designated area generally or any or all of the licensed premises within the designated area.³⁵⁵ In doing so the police officer must believe on reasonable grounds that issuing the banning notice may be effective in preventing the person from continuing to commit the specified offence or commit a further offence and ‘considers that the continuation of the commission of the specified offence or the commission of a further specified offence may involve or give rise to a risk of alcohol-related violence or disorder in the designated area’.³⁵⁶

In determining whether there are reasonable grounds for issuing a banning notice the relevant police officer must consider:

- (a) the apparent state of health of the person to whom the notice is to apply; and
- (b) whether the person is likely to-
 - (i) continue to commit the specified offence; or
 - (ii) commit a further specified offence; and
- (c) whether the person should be arrested or held in custody pending the hearing of any charges against the person in respect of the specified offence; and
- (d) whether that person is capable of comprehending the nature and effect of the notice; and
- (e) any other matters the member considers relevant.³⁵⁷

Specified offences are listed in Schedule 2 of the *LCRA*. In most cases they will consist *inter alia* of either public disorder offences under the *Summary Offences Act 1966*, such as drunk and disorderly offences, obscene and offensive behaviour and common assaults;³⁵⁸ and /or crimes against the person and sexual offences under the *Crimes Act 1958*;³⁵⁹ and/or

³⁵³ Defined as being within 100 metres of the licensed premises. Section 147 (3)

³⁵⁴ *Liquor Control Reform Act 1998*, Section 147. For a discussion of banning notices and exclusion orders generally see Part 8A, Division 1-3.

³⁵⁵ *Liquor Control Reform Act 1998*, Section 148B.

³⁵⁶ *Liquor Control Reform Act 1998*, Section 148B (3)(b).

³⁵⁷ *Liquor Control Reform Act 1998*, Section 148B (4). For the content of what must be included in a banning notice see Section 148C *Liquor Control Reform Act 1998*.

³⁵⁸ See Sections 9, 14, 16, 17, 19, 23 and 24 *Summary Offences Act 1966*.

³⁵⁹ See Sections 16 to 24 inclusive and Sections 30, 31, 31 B 38, 38A, 39 and 40 of the *Crimes Act 1958*.

weapons offences under the *Control of Weapons Act 1990*;³⁶⁰ and/or licensing offences under the *LCRA 1998*, such as failure to leave licensed premises when requested.³⁶¹

It is an offence for a person to contravene a banning notice or fail to comply with police directions with regard thereto.³⁶² This is particularly the case when a person enters or re-enters or attempts to enter or re enter the designated area in contravention of the notice.³⁶³ Police may use reasonable force to remove a person issued with a banning notice from a designated area if they are in contravention of a banning notice or have refused to comply with direction to leave a designated area.³⁶⁴

As of January 2010, police have issued almost 2500 banning notices, the overwhelming majority of which (94 per cent) were issued to men. Most of the notices have been issued in the Melbourne CBD (2144 of 2492). In December 2009, a police operation, part of the nation-wide Operation Unite, conducted a summer blitz on disorderly conduct throughout the holiday summer season. This resulted in a record number of banning notices being issued for that month – 253 for the state.³⁶⁵

Exclusion orders

Whereas it is a police officer who issues a *banning notice*, it is the court which makes an *exclusion order* on application from the police, Director of Public Prosecutions or at the court's own initiative.³⁶⁶ The court must have found the offender guilty of a specified offence, as defined in Schedule 2 of the Act, that was committed partly or wholly in a proclaimed designated area and the court has decided that a sentence of imprisonment of 12 months or more is not appropriate.³⁶⁷ The court must also be 'satisfied that the order may be an effective and reasonable means of preventing the commission by the offender of further specified offences in the designated area'.³⁶⁸ In determining whether such an order is warranted, the court may take into consideration the past history of the offender including whether any previous orders have been made or offences committed in the designated area and the likely impact of the exclusion order on the offender, victim and public safety and order.³⁶⁹

The order will generally be made to prevent the offender from entering a designated area, all licensed premises in the designated area, or a particular licensed premise or licensed premise of a particular class (for example, a gaming lounge) in the designated area. An exclusion order may be made for a maximum period of 12 months and can apply at all times during the period of the order or for a time specified in the order only, for example between the hours of 8pm to 2am.³⁷⁰ The court may apply whatever conditions to the

³⁶⁰ See Section 5 (1A) *Control of Weapons Act 1990*.

³⁶¹ Section 114 (d) *Liquor Control Reform Act 1998*.

³⁶² Section 148F *Liquor Control Reform Act 1998*. Penalty: 20 penalty units.

³⁶³ It should be noted that a police officer cannot give a banning notice to a person if he or she has reasonable grounds to believe that the person lives or works in the designated area. See *Liquor Control Reform Act 1998* Section 148B (7).

³⁶⁴ See *Liquor Control Reform Act 1998* Section 148H.

³⁶⁵ See Minister for Police and Emergency Services 2010, *Banning Notices Take Drunks off the Streets in Summer*, Press Release, 22 January, accessed at, www.premier.vic.gov.au, 8 June 2010.

³⁶⁶ Section 148I (3) *Liquor Control Reform Act 1998*.

³⁶⁷ Section 148I *Liquor Control Reform Act 1998*.

³⁶⁸ Section 148I (1)(c) *Liquor Control Reform Act 1998*.

³⁶⁹ Section 148I (1)(6) *Liquor Control Reform Act 1998*.

³⁷⁰ Sections 148I (4)(5) *Liquor Control Reform Act 1998*.

issuance of the order that it sees fit, including allowing the offender to enter the designated area under particular conditions for specified purposes.³⁷¹

Similar to Banning notices, it will be an offence for a person subject to an Exclusion order to contravene the order or fail to obey the lawfully issued directions of a police officer with regard to the order.³⁷²

Reporting on Banning notices and Exclusion orders

Under Section 148R of the *Liquor Control Reform Act 1998* the Chief Commissioner of the Victoria Police must submit each financial year a Report to the Minister administering the *Police Regulation Act 1958* with regard to banning orders and exclusion notices.³⁷³

With regard to banning notices this Report must include:

- (i) the number of banning notices given during that year;
- (ii) the number of persons to whom banning notices were given during that year;
- (iii) the number of banning notices given during that year to each person who was given more than one banning notice during that year;
- (iv) the suspected specified offences in respect of which banning notices were given during that year;
- (v) the designated areas in which those offences were suspected of being committed;
- (vi) the ages of the persons to whom banning notices were given during that year;
- (vii) whether any of the persons to whom banning notices were given during that year were of Koori origin;
- (viii) the number of banning notices given during that year in relation to each designated area;
- (ix) the number of persons charged with (contravening the original notice/s);
- (x) the results of those charges; and
- (xi) the number of contraventions of section 148F(1) or (2) that were recorded by members of the police force during that year in respect of which no charges were laid.³⁷⁴

Similar information must be provided with regard to the application for and issuance of exclusion orders.

The Chief Commissioner must submit a report under this section to the Minister within two months after the end of the financial year to which the report relates.³⁷⁵ On receiving this Report the Minister must present the Report to each House of Parliament within seven sitting days of that House after the report is received by the Minister.³⁷⁶

³⁷¹ Section 148I (5) *Liquor Control Reform Act 1998*.

³⁷² Section 148J *Liquor Control Reform Act 1998*.

³⁷³ Currently the Minister for Police and Emergency Services.

³⁷⁴ See Section 148R (1b) *Liquor Control Reform Act 1998*.

³⁷⁵ See Section 148R (3) *Liquor Control Reform Act 1998*.

³⁷⁶ See Section 148R (4) *Liquor Control Reform Act 1998*.

Conclusion

There are a wide range of measures that are available to police to address assaults, other forms of violent crime, public disorder and antisocial behaviour. These vary in seriousness and severity of penalty available.

There is also an increasing trend towards what could loosely be called ‘preventive laws’ to address actual or potential acts of disorder in public places in Victoria. These measures, such as the use of infringement notices, banning notices, exclusion orders, move on powers and local municipal by-laws that ban the possession or consumption of open containers of alcohol, are particularly although not exclusively relevant to alcohol-fuelled violence and acts of disorder occurring in and around licensed premises.

Having a raft of legal measures to deal with such offences is a necessary but not sufficient condition in addressing (alcohol-related) assaults. Whilst the police arguably have the legislative tools at their disposal to investigate and punish this behaviour, other strategies are also required if such crime is to be eradicated. Comprehensive strategies that address the causes of such behaviour, in combination with best practice models in community and intelligence-led policing are also an essential part of any approach to reducing violent and antisocial behaviour in our streets and public places.

Recommendation

The Committee recommends that an offence of assaulting, obstructing, hindering or delaying a hospital, or health worker or a licensed security guard or security worker in the execution or performance of their duties, be enacted in Victoria. (*Recommendation 1*)

Recommendation

The Committee recommends that the Sentencing Advisory Council of Victoria work with Magistrates and Judges to examine the types of factors that should be taken into account in the sentencing of assault crimes in the same way they have developed sentencing guides on breaches of domestic violence orders. (*Recommendation 2*)

10. Policing and Law Enforcement

Introduction

Violence and assaults, particularly those fuelled by the consumption of alcohol, result in complex problems for the police. In recent years, antisocial conduct, violence and public drunkenness have increasingly become issues of concern. The regulation and policing of public disorder particularly, but not exclusively, around bars, clubs and other night spots have resulted in a number of strategies to address alcohol and drug-fuelled crimes, often in partnership with non police agencies, both government and community based.

The cost of policing violent crime

Policing licensed environments and their surrounds is a difficult task and one that takes up a relatively large amount of police time and monetary resources. Whatever the exact costs in staff hours, and despite some aspects of regulating order being taken over by civilian or private interests, it is still true that the police are primarily responsible for this work (Donnelly et al 2007; Palk, Davey & Freeman 2007).

For example, a study by the National Drug Law Enforcement Research Fund (NDLERF) (Donnelly et al 2007) sought to estimate the cost of police time spent in dealing with alcohol-related crime in New South Wales. It found that overall police recorded 8.2 per cent of total person shift time as involving an alcohol-related activity. More time was spent dealing with alcohol-related activities at night and on weekends, with 17 to 18 per cent of total time worked on Friday and Saturday nights by police being alcohol-related (Donnelly et al 2007). Alcohol-related problems were generally greater in regional and rural areas than in metropolitan ones. This finding concurs with data from most studies done in Australia, such as the comprehensive research undertaken by Collins and Lapsley (2007) into the overall costs of alcohol-related harm to Australians. That study found the total cost to policing across Australia from crime attributable to alcohol was \$A747 million.

A shift in focus?

Other than the landmark monograph on police best practice by Doherty and Roche (2003) and subsequent work by Graham and Homel (2008) there has been little research, and particularly evaluation studies, undertaken on policing alcohol-related violence in and around licensed premises. Nonetheless, a 2008 study by Fleming notes a recent shift in the way Australian police services address assault and violence in and around licensed premises. In the 1990s the enforcement of liquor licensing laws was largely decentralised. Whilst the police still maintained their chief role as the guardians of public safety, newly established liquor licensing authorities were largely responsible for the monitoring of licensed premises and the administration of licensing laws, taking on many of the roles previously performed by specialist police units. More recently, however:

[T]here has been a move back to the centre, with police establishing specialist divisions or units to focus their licensing activity. This has resulted in the centralisation of strategy and intelligence, better training opportunities for police officers and more effective communications with licensing establishments, liquor licensing authorities and other

relevant agencies. These units are focusing less on the patron and more on the premise (Fleming 2008, p.vii).

Fleming argues that this change in focus for the policing of public disorder is characterised by three distinct strategies or approaches to alcohol-related activity in and around licensed premises and other ‘hot spots’. These are front-line strategies, monitoring and regulation strategies and partnership strategies. They are accompanied by three related trends:

[t]he shift in enforcement from patron to premise; the shift in monitoring and regulation away from a decentralised approach and the return to a more centralised approach; and a more formal shift to working with and through partner organisations (Fleming 2008, p.vii).

These strategies and trends will be discussed throughout this chapter. It is also necessary by way of background to first discuss some of the main theories and practices of policing that influence and inform the different ways in which police may address assaults and other forms of violence in Victoria.

Theories and practices of policing

Police role and function

The occupational roles and functions of modern policing have been variously defined (and contested) in the academic literature over a number of years. Some of the most common aspects of the police role could be loosely called the law enforcer role, the order maintenance role and the social service role.

Whilst police work can on occasion be dangerous work, with the apprehension and arrest of criminals being not an insignificant part of the law enforcer role, it is not necessarily the predominant role, even when it comes to policing the alcohol-fuelled disorder of the night-time environment. Inciardi (1998) for example, claimed that (public order) policing is not so much about law enforcement as peacekeeping operations. Similarly, Reiner (1992) claimed policing in this context is primarily about order maintenance – ‘the settlement of conflicts by means other than formal law enforcement’ (1992, p.142).

Thus in patrolling a licensed venue or responding to an alcohol-related ‘incident’, civil order is maintained not so much through powers of arrest (law enforcer role) or social work skills (social service or community engagement role) as by the capacity for decisive action, which in turn relies on the ability to use force or powers of arrest if necessary as well as the authority of their office. In other words, the mere knowledge that in certain circumstances the police could use force combined with the visibility of their presence acts as a deterrent against the display or continuance of disorder.³⁷⁷ This low-key approach is reflected in the policy statements of Victoria Police itself. In a previous Annual Report it stated that:

The basic function of Victoria Police is not only to protect people from crime and disorder, but to *reassure* them in this regard. The Force’s role has expanded from one focussed primarily on law enforcement to one of community assistance, guidance and leadership (Victoria Police 1998, p.8). (Committee emphasis)

³⁷⁷ For a discussion of police visibility, see below.

Reactive and proactive policing

A distinction is sometimes drawn between police activities or duties that are reactive and those that are proactive in nature. This distinction is equally, perhaps especially, true in policing alcohol-related or other forms of public disorder (Donnelly et al 2007).

Reactive alcohol-related activities may include those where a victim reports that an offender has been drinking, whether the alcohol was the 'cause' of the incident or not. It may also include any offences against the criminal or liquor laws brought to the attention of the police. Proactive tasks by contrast may be any activities initiated, planned or undertaken by police to prevent alcohol-related harm or disorder and can include:

- attendance by police at Liquor Accord meetings;
- attendance at other community meetings related to the use or misuse of alcohol;
- routine patrols of licensed premises;
- covert operations to detect licensing breaches;
- audits of licensed premises;
- random Breath testing operations;
- attendance at alcohol-related seminars or training days; and
- providing advice on alcohol-related problems in the local area to other officers, senior management or outside agencies (Donnelly et al 2007, pp.8–9).

Despite police spending a considerable amount of their time and resources on the consequences of alcohol-related incidents (such as assault, public intoxication, theft, traffic offences), until relatively recently there have been few comprehensive, proactive and intelligence-led strategies aimed specifically at licensed premises.

Moreover, when policing of licensed premises does take place it has traditionally been of a reactive nature, responding to ad hoc incidents when police are called to intervene. Such reactive policing has been thought by some researchers to have 'limited effect on crime reduction and public satisfaction' (Doherty & Roche 2003, p.xiv).

On the other hand, proactive policing of licensed premises can be an extremely effective crime reduction tool, and the effect is maximised when:

- policing interventions are done in collaboration with other partners, especially licensees
- it is pursuant to a well thought out strategy with appropriate aims and goals (for example supporting and enforcing responsible serving of alcohol strategies, particularly through the cracking down on underage drinking or the serving of intoxicated patrons etc)
- it utilises a visible police presence, for example by regular patrols of entertainment precincts or the establishment of mobile police units/booths.

Such proactive enforcement 'has a deterrent and educational effect on licensed venue practices, patron behaviour and social attitudes' (Doherty & Roche 2003, p.xiv).

Police have more recently swung their attention back to a more focused or proactive approach through the use of front-line strategies to actively reduce risk and control antisocial behaviour in and around licensed premises, sometimes through the use of infringement notices and banning notices. The difference in the use of these strategies

today is that they concentrate on the premise as well as the patron, which has not always been the case.

Police patrols are one area of police activity that may be either reactive or proactive depending on the context and the intention of those responsible for the patrol. For example, the planned patrolling of night-time precincts (either by foot or marked police vehicles) incorporating the provision of a visible public appearance and the protection of people and property may be said to be proactive. On the other hand patrolling may be reactive in the sense of incidentally detecting and apprehending offenders caught breaking the law during a routine patrol. In either case:

The importance of visible presence is acknowledged by police, the industry and patrons. Where resources allow, police organisations provide a proactive response – high visibility in peak periods, managing their rosters to make visible presence a reality. This pro active presence is particularly important around areas where intelligence has identified problematic premises or potentially volatile street areas (Fleming 2008, p.10).

Even if perceptions of crime occurring in a particular environment are not necessarily supported by empirical evidence, proactive enforcement may still be important. In other words, community perceptions of the safety of licensed precincts, whether or not based on the ‘reality’ of crime in the area, are crucial to attracting diverse groups of people to entertainment venues. A licensed venue or licensed precinct that is well policed and has liquor regulations actively enforced is perceived as effectively managed, safe and therefore a desirable place to visit. The reverse is also true (Inner City Entertainment Precincts (ICEP) 2005). British research has found that ‘the persistent presence of police officers in licensed premises reduced alcohol-related crime, particularly alcohol-related public disorder offences’ (Jeffs & Saunders cited in Loxley et al 2005, p.8).

Barriers to proactive policing

Doherty and Roche note a number of reasons why proactive policing and enforcement has not always been achieved.

First, they believe there has been insufficient workplace development across Australian jurisdictions to deliver sufficient training on liquor licensing and alcohol-related issues. Both proactive and reactive policing of licensed establishments are likely to be more effective where ‘officers develop skills that integrate knowledge of liquor laws with collaborative crime reduction and problem solving methodologies’ (Doherty & Roche 2003, p.xv). Police have traditionally had poor knowledge of and confidence in policing licensing laws (see for example, Lang & Rumbold 1997; Findlay et al 2002).³⁷⁸

Second, police services have been ineffective in routinely and accurately measuring the full extent and impact of alcohol-related conduct on police activities. Often police data systems have been inadequate to meet this task. The issue of data collection, particularly in the context of ‘mapping’ recalcitrant licensed venues, will be discussed later in this chapter.

³⁷⁸ For a comprehensive discussion of the training, education and workplace development needs of police officers working in the area of liquor licensing enforcement see Doherty and Roche 2003, pp.52ff. Of particular importance, the authors state, is the need for officers to understand the ‘why’ of policing licensed environments. In other words, officers need to understand the relevance and importance of policing licensed premises and how to respond effectively. Using problem solving methodologies and practical examples is a crucial aspect of officer training and development in this (and many other) areas of police training (Johnston 1998; Warren & Johnston 1998; Doherty & Roche 2003).

The issue of police workload and the availability of police resources impacts upon the ability of officers to comprehensively enforce liquor licensing laws, even on a reactive basis. As the earlier quote from Fleming indicates, proactive strategies do not come cheaply. Visible presence in licensed environments and task forces such as Operation Razon discussed below are resource intensive. Indeed the Victorian Police Association has argued that due, in its view, to insufficient police numbers ‘Proactive policing has become a thing of the past’.³⁷⁹

Targeted policing

Similar to proactive policing is the idea of targeted policing whereby police analyse data to determine where trouble spots are and where violence is occurring, then allocate sufficient numbers of police personnel to those areas.

Recent examples of targeted police strategies include the establishment of the Alcohol and Licensing Enforcement Command in NSW, a unit with 30 staff with ‘an operational focus on reducing alcohol-related crime and anti-social behaviour’ (Moffat et al 2009, p.1). The Vikings unit, also in NSW, is a specialised unit set up to target street offences and antisocial behaviour related to alcohol. Whilst this unit is coordinated centrally from Sydney, officers attached to the unit are strategically deployed where necessary in local area commands throughout NSW.

In Victoria, major targeted policing interventions include Operation Horizon and the Safe Streets/Safe Stations initiatives.³⁸⁰ Other forms of policing strategies to target assaults and antisocial behaviour occur in individual police districts during periods when alcohol-related violence may be particularly prevalent. The Committee was told of a number of such targeted interventions. These included: extra policing measures to cope with AFL Grand Final crowds in Geelong;³⁸¹ the Christmas Festival of Lights at Frankston; New Years Eve celebrations at Phillip Island;³⁸² and Operation Streetscape in Ballarat, which provides extra police from regional sources outside Ballarat to cope with alcohol-related violence in Ballarat City on Friday and Saturday nights.³⁸³ In the City of Melbourne, police patrols have increased in the Melbourne CBD on Friday and Saturday nights. On these nights, police aim for maximum visibility and focus particularly on areas perceived to be high-risk, such as King St. Police patrols in the Melbourne CBD have been partially supplemented by officers from the graduating class of the Police Academy, who previously spent one week in the Melbourne CBD and now spend one month.³⁸⁴

³⁷⁹ *White Paper on Police Resources in Victoria*, June 2008, The Police Association.

It should be noted, however, that such a comment was made in 2008 and that a number of proactive police operations to combat public disorder, particularly in the night-time economy, have been initiated since that time (see discussion later in this chapter).

³⁸⁰ These are discussed further in the section pertaining to operational policing later in this chapter.

³⁸¹ Evidence of Inspector Barry Malloch, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

³⁸² Evidence of Inspector Ron Cooke, Manager, Operation Razon, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Frankston, 26 October 2009.

³⁸³ Evidence of Inspector Gerry Rudkins, Police Service Area Manager, Victoria Police Ballarat, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October.

³⁸⁴ Evidence of Ms Colleen Lazenby, Manager, Community Safety and Wellbeing, City of Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October.

Evaluative studies have shown that targeted policing when based on sound information or intelligence has resulted in positive outcomes in reducing violent crime. The outcomes are particularly strong when policing ‘crackdowns’ or targeted operations are followed by maintenance targeting of identified hot spots and high-risk venues over a sustained period.³⁸⁵ Increasingly, targeted policing is becoming possible because police are using the gathering of data and intelligence to identify hot spots where extra or at least more concentrated policing may be required. Intelligence-led policing is viewed as one of the most effective ways in which police can deploy minimal resources with maximum effect, particularly in the area of crime and public disorder.

Intelligence-led policing

In recent years there have been a number of interventions implemented using intelligence and data to enable better enforcement of licensed environments.³⁸⁶

Intelligence based or intelligence-led policing involves proactively identifying trends in relation to crime and places where such crime takes place (crime hot spots). Both general policing and special operations may be intelligence-led.

Ratcliffe defines intelligence-led policing as follows:

Intelligence-led policing is the application of criminal intelligence analysis as an objective decision-making tool in order to facilitate crime reduction and prevention through effective policing strategies and external partnership projects drawn from an evidential base (Ratcliffe 2003, p.1).

In the context of licensed venues, particularly in entertainment precincts, dedicated resources have been allocated through Victoria Police’s Regional Licensing Units to enforce the *Liquor Control Reform Act 1998* (LCRA) and provide a visible police patrolling presence around nightclubs, bars and other entertainment venues, particularly in identified hot spots.³⁸⁷ The premise of such activity is not only to reduce instances of assault, criminal damage and antisocial behaviour but also to educate licensees and bar staff as to their responsibilities under liquor licensing legislation. Moreover, as Fleming noted, one of the primary objectives of intelligence-led policing, at least as it relates to alcohol-related violence, is to collect evidence that will support police prosecutions of licensees or respond to applications for licensee applications made to the licensing authorities – for example an extension of trading hours. Such data and intelligence is crucial in cases of seeking to prove that shutting down a known trouble spot is in the public interest (Fleming 2008).

One particular aspect of intelligence-led policing that has become increasingly important in recent years is the collection, analysis and use of data as a crime prevention tool.

³⁸⁵ See the studies and research reports cited in the submission of the Centre for Adolescent Health to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

³⁸⁶ Some of these strategies, particularly of an operational nature, are discussed later in this chapter.

³⁸⁷ These may take the form of specialist ongoing intelligence based initiatives such as Operation Razon. See discussion later in this chapter.

Data collection and mapping of 'hotspots'

Traditionally, members of the general public, bar patrons and bar staff have been reluctant for a number of reasons to report crime and disorder in and around licensed premises to police (Doherty & Roche 2003). Such reasons may include fear or more likely a perception that the incidents are too insignificant to warrant reporting or will not in any case be taken seriously by police. However, such information is crucial for providing evidence for later intelligence-led operations.

The use of sophisticated data and analysis to identify and target licensed premise trouble spots, 'rogue licensees', problem drinkers and/or ineffective or dangerous crowd control staff is also an important aspect of intelligence-led policing.

However, not all state police data systems are necessarily performing these tasks at optimal level:

Many intelligence processes and systems are not designed specifically to gather and analyse information regarding alcohol-related problems associated with licensed venues. As such, they may not fully capture information that could assist development of various targeted crime reduction strategies that relate to licensed drinking environments. For example, they may not require operational police to comment on:

- the presence and impact of alcohol on an incident
- whether the incident occurred within or in the vicinity of a licensed venue
- if either party had been drinking at a licensed premises or event (Doherty & Roche 2003, p.61).

Often police 'on the ground' may have local knowledge or an instinctive or 'gut' feel as to which licensed premises are responsible for disproportionate amounts of alcohol-related crime, but they may not be able to access hard data or intelligence to substantiate these suspicions.

Evidence to this Inquiry from a number of witnesses has indicated that police are increasingly using intelligence to inform their policing of licensed environments. For example, Assistant Commissioner Stephen Fontana told the Committee:

We monitor where the hot spots are for assaults, drug activity – a whole range of things – and we are getting more sophisticated with our intelligence...there is an air of confidence in terms of how we are going with our tracking in terms of intel products. We are really overhauling it. We have done a number of strategic assessments looking at what the drivers are for violence and assaults, and we are trying to become more responsive in terms of getting real-time data from our analysts and really focusing their activities on these hot spots. This is a big driver for us organisationally across the board. We have had the Safe Streets program running, and in June we started the Safe Stations program which we used at the railway stations. We really put pressure on our intel areas, looking at the products we deliver and really trying to get focused on real-time data so that we can really hit these areas hard.³⁸⁸

³⁸⁸ Evidence of Assistant Commissioner Stephen Fontana, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 22 February 2010.

Similarly, an officer from the Divisional Intelligence Unit in Dandenong told the Committee that intelligence-led policing was an essential aspect of their approach to tackling crime and violence in the district.³⁸⁹ ‘We look at the stats and we identify crime trends and patterns and we try to impart that to the staff and say, “This is where the problem is occurring and that’s where we should address our resources”.’³⁹⁰

It is thought imperative that police data be supplemented by alternative data sources to give a fully rounded and informed picture of alcohol-related harms at certain licensed premises. ‘Timeliness of exchange of intelligence is a key factor for police in identifying and developing strategies that respond to problem drinking and problem venues’ (Briscoe & Donnelly 2001, p.64). Such data may come from hospitals, ambulance, drug data bases and victimisation surveys.³⁹¹ In Ballarat the Committee was informed of a computer program called Interpose that records and tabulates all tasking and coordination minutes. As Inspector Gerry Rudlaw of Victoria Police (Ballarat) stated: ‘If we have some particular issue, then we can go onto Interpose and say, “They had that same issue at Knox”, or wherever. “What did they do about it?”’³⁹²

Mapping alcohol-related incidents and harms through the use of ‘Last Drink Surveys’ has also proven an invaluable way of targeting rogue premises. One of the most effective and comprehensive of these exercises has been the Alcohol Linking Program.

Alcohol Linking Program

The Alcohol Linking Program originally conducted in the Hunter Valley of New South Wales from 1996 to 2004 is one of the few evaluated strategies that demonstrated how effective (police) enforcement of licensed premises does reduce alcohol-related harm.

Concerns among the local community in the Newcastle/Hunter Valley area about high levels of violence and crime occurring in and around licensed premises created the impetus for this Program to be developed.³⁹³ An initial assessment of the situation showed a number of barriers to effective police enforcement of illegal or irresponsible service practices by local licensees. These included:

- inadequate intelligence data regarding alcohol involvement in crime;
- inadequate intelligence data regarding the last place of alcohol consumption by people involved in crime;

³⁸⁹ Although not everyone is totally convinced of the benefits of such an approach. For example, Mr John Frame, Chair of the Geelong Local Safety Committee, told the Committee:

‘I am not knocking intelligence based policing but if you wait until you have the statistics to tell you where to put the people in the first place then, I am sorry, but it is a bit late. If you have them on the street beforehand then you are much better off’ (Evidence of Mr John Frame, Chair, Geelong Local Safety Committee, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009).

³⁹⁰ Evidence of Sergeant Warren Wise, Divisional Intelligence Unit, Victoria Police, Dandenong region, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Dandenong, 26 October 2009.

³⁹¹ See Doherty and Roche 2003 (p.63) for a table of additional intelligence sources that could prove useful adjuncts for intelligence-led policing of licensed premises and their surrounds.

³⁹² Evidence of Inspector Gerry Rudkins, Police Service Area Manager, Ballarat Police Service Area, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

³⁹³ Preliminary results from the Linking Project study showed that over 70 per cent of recorded incidents of violence in the Hunter areas were alcohol-related. See Fleming 2008, p.3.

- system difficulties in retrieving alcohol-related intelligence data and in identifying high-risk premises;
- insufficient police resources for enforcement of liquor licensing laws;
- a low priority being given to enforcement of licensed premises; and
- high cost of proven enforcement strategies (Wiggers et al 2004, p.357).

The proposed solution to these problems was an exercise in intelligence-led or ‘problem-orientated policing’ whereby police would collect intelligence data with regard to the last place of alcohol consumption from patrons involved in police-attended incidents or call-outs:

In this way, associations between incidents and alcohol consumption on specific premises can be identified, enhancing police capacity to target enforcement activity to high-risk premises (Wiggers et al 2004, p.358).

Importantly, local licensees were also proactively involved in the project and were at all times given feedback as to both the process and the results of the study/experiment:

One low cost application of such intelligence data involves the provision to licensees of information regarding incidents of crime that follow consumption of alcohol on their premises. The potential for such a feedback strategy to improve licensee compliance is supported by evidence that the provision of performance feedback can be effective in changing behaviour. In addition, providing such feedback offers licensees an opportunity to rectify service and management deficits in a collaborative, non-punitive manner. The provision of such feedback also serves to demonstrate to licensees the capacity of police to detect possible non-compliance, and includes an implied threat of punishment, a threat shown to be effective in reducing alcohol-related crime (Wiggers et al 2004, p.358).

The authors and initiators of the study/project outlined the methodology of the Program as follows:

The program involved all operational police routinely collecting up to four additional pieces of information from persons involved in police attended incidents:

- whether the person had consumed alcohol prior to the incident;
- the person’s level of intoxication based on an assessment of behavioural indicators of intoxication;
- where the person had last consumed alcohol; and
- if the last place of consumption was a licensed premises, the name and address of the premises.

And:

- delivery to licensees of a tailored ‘feedback’ report from police describing those incidents reported to have occurred following consumption of alcohol on their premises;
- a visit by police to high risk premises during which an audit of the premises’ responsible service and management practices was undertaken. The audits have a harm reduction rather than strictly compliance focus; and
- a follow-up visit by police during which the results of the audit were presented to licensees, together with recommendations for service and management improvements (Wiggers et al 2004, p.358).

All police operating the Program were provided training that addressed the rationale and the aims of the project. They were also thoroughly trained on the appropriate procedures for collecting and entering the data into the relevant databases. Intelligence and licensing

officers consequently retrieved the data, wrote feedback reports for licensees and managers and conducted audits of the process.

One of the positive outcomes of the project was that both police and licensees found the intervention an acceptable one. This was assessed as follows:

To assess the acceptability of the enforcement approach, surveys were conducted with all police (n=298; 77 per cent response) and licensees (n=239; 76 per cent) in the Hunter Valley Region and a survey of randomly selected households (n=864; 70 per cent) in that region. Two-thirds or more of police respondents considered the approach to be acceptable, appropriate and more effective than conventional enforcement approaches in increasing licensee compliance. Almost all licensees (92 per cent) found the audit visit acceptable, and approximately half found the feed-back report and police audit useful in aiding the modification of their service practices. More than three-quarters of the community sample indicated that police adoption of a problem-oriented feed-back approach to enforcement of licensed premises was acceptable (Wiggers et al 2004, p.359).

The project has generally been viewed as a success:

The efficacy of the feedback approach in reducing alcohol-related crime was assessed subsequently by a randomized controlled trial involving all 400 hotels, registered clubs and nightclubs in the Hunter Valley and Central Coast regions of New South Wales, Australia. All operational police officers in the regions collected the alcohol intelligence data using the project-specific recording card to determine the association between incidents of crime and reported alcohol consumption on licensed premises. Each experimental group premises received, on one occasion, a feedback report detailing those incidents reported to have occurred following alcohol consumption on their premises. Those premises indicated by the intelligence data to be associated with one or more police attended incidents over a defined period received a police audit and subsequent feedback. Control group premises received normal police enforcement practices.

Over a 3-month follow-up period there was a 15 per cent greater reduction in alcohol-related incidents associated with premises that received the feed-back/audit approach compared to those that received normal policing (Wiggers et al 2004, pp.358–359).

One of the key strengths of the original project was that it included a ‘research into practice team’ that was responsible for mapping, conducting, overseeing and evaluating each stage of the project, thus ‘unlike the short term focus of most other evaluated interventions, this project was designed first and foremost to change police practices permanently’ (Graham & Homel 2008, p.213).

This project has been adopted since as state-wide routine policing practice by New South Wales Police. All police in NSW are now required to ask offenders whether they had consumed alcohol prior to the assault related incident and where they consumed their last alcoholic beverage. This information becomes part of the Alcohol-related Crime Information Exchange (ARCIE) database:

The ARCIE database in NSW captures information on liquor-related infringements and offences, court proceedings and outcomes related to licensed premises and licensees. It enables the consolidation, exchange and sharing of accurate and timely data relating to alcohol-related crime. This centralised data base enables NSW police and liquor licensing authorities to identify problematic premises and develop effective and strategic responses to target those small numbers of licensed premises responsible for a disproportionate amount of alcohol-related crime (Fleming 2008, p.15).

The Alcohol Linking Program is now only one of a variety of similar projects taking place around the country.³⁹⁴ It has also been adopted in New Zealand (see Evans & Green 2007). The initiators of the strategy, however, warn that such an intervention should be only one of a raft of strategies used to address alcohol-related harms arising from licensed premises. Further research needs to be done regarding the effectiveness of other enforcement strategies (Wiggers et al 2004).

One important caveat with regard to the use of ‘last drinks’, mapping or similar intelligence-led policing exercises is that wherever possible the data gained should be shared and used educationally rather than punitively with licensees and their staff. As stated by researchers from the National Drug Research Institute (NDRI):

[While] laws prohibiting service to intoxicated customers have no deterrent effect in the absence of credible, visible enforcement strategies, it has been shown that providing licensees with data based feedback on crime following drinking on specific licensed premises can reduce alcohol-related harm (Loxley et al 2005, p.21).

Alcohol and Drug Recorded Intelligence for Tasking (ADRIFT)

Victoria Police have also recognised the importance of intelligence-led projects that can enable them to record last place of alcohol consumption and ‘map’ those licensed venues which are the most problematic in terms of alcohol-related violence or disorder. It has recently developed a software package called Alcohol and Drug Recorded Intelligence for Tasking (ADRIFT). Previously the Victoria Police stated that ADRIFT would provide operational members with real-time intelligence to assist them to:

- (a) readily identify troublesome premises, by both day of the week and time of day where there are multiple incidents of street crime or other offences involving drugs or alcohol, thus enabling the tasking of operational activity to address issues identified, to enhance community safety throughout the State;
- (b) introduce a level of accountability to managers (and members alike) to ensure that they are rostering and targeting identified trouble spots;
- (c) provide managers with a viable intelligence gathering platform upon which they can readily respond to questions raised as to the focus of particular operational activity;
- (d) enhance the ability of members engaged in road policing to better target premises which potential road crash victims initiate from, thus reduce road trauma throughout the State; and,
- (e) for the first time, it will provide Victoria Police with the ability to quantify the level of drug or alcohol use across the State in a myriad of formats. This information will also be a wealth of information to a number of our key partners, such as Department of Justice, Transport Accident Commission, Department of Health, Monash University – Accident Research Centre etc.³⁹⁵

Victoria Police has provided the Committee with updated information on ADRIFT noting that unlike the NSW last drinks program ADRIFT has been expanded to include licit and illicit drugs:

³⁹⁴ For a discussion of similar projects including the LEAPS Project (Queensland) and PADRIS project (Western Australia) see Doherty and Roche 2003, pp 66ff. For a discussion of the South Australian Alcohol Information Reporting database, which also captures last drink of victim and/or offender data and an assessment of the victim or offender’s level of intoxication at the time of the police contact, see Fleming 2008.

³⁹⁵ Submission of Victoria Police to the Drugs and Crime Prevention Committee of the 55th Parliament of Victoria, Inquiry into Strategies to Reduce Harmful Alcohol Consumption, January 2005.

The data gathered by ADRIFT is a 'real time' data platform which allows police to generate reports on the type, day, time and most common location of drug and alcohol-related offences across the state. This information can be used to identify troublesome premises and locations, such as train stations, streets, hotels or sporting grounds, and allows police to target resources or develop initiatives and programs accordingly. ADRIFT provides Victoria police with tasking, rostering, intelligence and strategic benefits.³⁹⁶

The Committee believes that similar to the Hunter Valley project the rationale of programs such as ADRIFT should be educative rather than punitive in focus.

Local level projects

Finally, the Committee has received evidence that last drinks type interventions have also been initiated at local police and municipal level in Victoria. For example, Inspector Clive Rust, Service Area Manager for the Stonnington district in Melbourne, advised that police have recently commenced collecting last drinks data:

Any driver who is picked up for .05, we ask them where they had their last drink. Also any offender who is brought back to the police station who has alcohol obviously present, where we can...we will ask them where they have been drinking and things like that. We are collating that data...So if I get one venue that is cropping up consistently as we are getting X number of drink drivers who have all been drinking at this one venue...I will have an audience with the licensee and put them on notice or issue a written warning with regard to their responsible service of alcohol and things like that.³⁹⁷

Similarly, in the City of Casey in Melbourne's southern suburbs local police have initiated a number of measures that seek to gather intelligence on alcohol-related offences in a systematic way, such as:

- police have now established a specific Sergeant Portfolio at each Casey uniform Police Station to monitor all licensed premises and incidents;
- licensed premises Incident Reports are now required to be submitted on all incidents reported to Police or that become known to Police;
- follow up interviews are now conducted with all persons arrested for being drunk from licensed premises once they are released from police custody. The interviews are to identify where the offender became intoxicated and whether the offender was supplied alcohol at licensed premises when intoxicated; and
- follow up interviews are now also conducted with all persons involved in any assaults at licensed premises. This is to establish whether alcohol was a contributing factor and if so whether they had been supplied alcohol when intoxicated.³⁹⁸

In summary, interventions that concentrate on intelligence and data collection to promote better law enforcement of crime and violence, particularly that which is alcohol-related, are

³⁹⁶ Correspondence from Simon Overland, Chief Commissioner, Victoria Police, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, 18 June 2010.

³⁹⁷ Evidence of Inspector Clive Rust, Stonnington Area Service Manager, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

³⁹⁸ Submission of City of Casey to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

an essential part of an evidence based approach to addressing these problems. Interventions such as the Linking Program have been positively evaluated and generally well received.

Community policing and community engagement

Defining community policing

Whilst community policing is a difficult concept to define, essentially it challenges the underlying assumptions that have shaped western policing for most of the 20th century.

Community policing in its most progressive forms accepts the research of the last 40 years that suggests there are limitations to the 'fire brigade' or 'thin blue line' approaches of reactive policing. Community policing has been influenced by findings that police spend only about 30 per cent of their time dealing with crime and that detective work is often as reliant on good luck and opportunities as good investigation (Johnston & Warren 1998).

During the course of this Inquiry the Committee met with Dr Norm Stamper, one of the architects of community policing programs in the United States and a former chief of the Seattle Police Department. Dr Stamper stated that the importance of community policing programs lies in the fact that police officers begin to understand the underlying causes of social problems and how to address them in partnerships with local communities:

When we first experimented with community policing, it was 1973. I got a police foundation grant out of Washington, DC, picked 24 officers randomly and 3 sergeants and put them through a really exhaustive training program in which they were made to understand that 'Your work will be made more satisfying, more effective and frankly safer if you will work in partnership with the community. You will feel less ignorance in the community, you will be less impulsive in your actions because you know your partners, and it enhances everything from police effectiveness to personal safety'.

One of the things we emphasised was you spending time as a police officer getting to know your partners in the neighbourhood and the community, and not just on some superficial social level...so when you forge this relationship one of the beautiful by-products is trust and mutual understanding and when it comes time to fix a problem you do not have one side glaring at the other saying, 'We can't work together'. It is an investment in the future, to be sure, but it is also important to recognise that it is joint policy-making and decision-making and that we were doing our level best to get police officers to understand that the senior partner is actually the community.³⁹⁹

Contemporary community policing

Some of the traditional community policing programs that have been established in Victoria have included:

- Neighbourhood Watch;
- Crimestoppers – the program in which the police, community and media work together to 'solve' crime through the public volunteering information with regard to crime profiles presented by the media;

³⁹⁹ Evidence of Dr Norm Stamper, Former Chief, Seattle Police Department, Washington State, USA, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne 12 October 2009.

- The ‘You are not alone Program’ (a program aiming to enhance the safety, security and well being of senior citizens);
- Community Safety Month;
- the use of Youth Resource Officers (YROs) and other specialist officers;
- the now disbanded ‘Police in Schools Program’ (PSIP) which involved designated police members as School Resource Officers educating young people as to their rights and responsibilities as members of the community and the role of the police in the community; and
- various drug education programs the police are involved with in liaison with other health, welfare and community groups.

Community policing programs have been viewed, not always uncritically, as a progressive response for police to interact with culturally and linguistically diverse communities. A submission, for example, from the Springvale Monash Legal Service outlines some of the community policing programs being undertaken in what is an extremely diverse ethnic community:

Multicultural Liaison Officers (MLOs) based at the Dandenong Station and the Youth Resource Officers (YROs) posted at various stations around the region are responsible for organizing community policing initiatives in the CGD. Such programs undertaken by these officers include camps, soccer games, dialogue groups, basketball competitions, pool night, playback theatre, the ROPES program and visiting English Language Schools. Officers also attend people’s homes in order to develop relationships of trust and understanding.⁴⁰⁰

When the Committee met with representatives of police stationed at Dandenong, they were very enthusiastic about various community engagement programs being undertaken in that municipality. For example, Inspector Caroline West told the Committee about a number of initiatives to increase cultural awareness in a highly ethnically diverse community:

We have started the south-eastern international students reference group. It is not only for Indian students, it is for all students. We have a whole stack of community engagement programs... Our crime prevention officer ran a very successful backyard rugby program and it recently won the best sports initiative award last weekend. It was primarily set up to engage Pacific Island youth who we were having significant issues with. They were highly represented in the Magistrates’ Court for offending. It was basically to engage them, take them off the streets and engage them in something that gave them a cultural link – rugby did – and he ran a very successful program there and he has started a new one which is in the Doveton-Hallam area getting the kids from there. It is about engaging them and trying to break that offending process.

We have two Sudanese outreach workers on the street working out of Springvale. Again that is putting them out on the streets to engage with those Sudi youth and make sure they are into the right services, offer them social activity connections, because so many of them are on the street and they are with another 10 or 15 of their mates because that is what they do. It is a big part of their social interaction...

We had the One Ocean Program. The courts were very interested in that. The magistrates were channelling young offenders into One Ocean. That was also set up primarily, initially, in relation to Polynesian kids. They did a lot of cultural activities there. They had a dance troupe set up, they had bone carving, and we put them into health services. That has been a partnership we have worked on. Our Proactive Programs Unit, we have put them in the one

⁴⁰⁰ Submission of Springvale Monash Community Legal Service to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

office. That is our crime prevention, youth resource officers, Neighbourhood Watch, multicultural liaison and Aboriginal liaison. We have put them under the one umbrella. We have put a new sergeant at the top to try and streamline it. They were all doing these beautiful things but they were all doing them singly and no-one really knew what each one was doing. We are hoping that is going to bring that together as well.⁴⁰¹

As well as these community/crime prevention programs, the police are involved in numerous sporting, social and benevolent/charity organisations and functions in association with and on behalf of 'the community'. Activities such as the concerts of the Police Band or the 'Crop a Cop' for cancer fund raising could also be regarded, if not as community policing per se, as exercises in good police/community public relations. More contentious examples of police community involvement that are hard to classify as either community policing, law enforcement or order maintenance are those cases where police officers engage with people suffering from mental illness, are homeless or otherwise disadvantaged.

Critiques of community policing

Similar role confusion arises with regard to the policing of Aboriginal people, particularly in regard to public drunkenness and alcohol-related crime. On the one hand, Victoria Police programs arising from the Victorian Aboriginal Justice Agreement promote a culturally sensitive approach to policing Indigenous communities. On the other hand, it is arguable that laws such as the criminalisation of public drunkenness and the discretionary administration of these laws have a disproportionately adverse effect on Aboriginal people (Wooten 1995; Cunneen 1988, 1991; Johnston 1998).

The same dichotomy is apparent with regard to the policing of juveniles. Policing policy with regard to juveniles may vary from a 'soft' approach with the emphasis on cautioning programs and establishing 'friendly' relations with children, to a law enforcement role responding to misbehaviour with arrest or the use of move on powers and infringement notices.⁴⁰² The Springvale Monash Legal Service, whilst acknowledging the good intentions of many community policing programs, also notes that they do not always ease the tension between young people and police.⁴⁰³

In the context of addressing (alcohol-related) violence, community policing programs are essentially based in crime prevention, fear prevention and education policies, and have very little to do with law enforcement per se. The prevention of crime as opposed to the

⁴⁰¹ Evidence of Inspector Caroline West, PSA Manager, Victoria Police, Dandenong region, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Springvale, 26 October 2009.

⁴⁰² Issues with regard to the policing of juveniles and particularly 'over-policing' have been thoroughly canvassed in the Drugs and Crime Prevention Committee's *Inquiry into Strategies to Prevent High Volume Offending by Young People* (July 2009). Discussion on issues such as the use of move on powers and other forms of public order surveillance are also discussed in Chapter 9 of this Report.

⁴⁰³ Submission of Springvale Monash Community Legal Service to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

Some critics of community policing argue that the concept of the community is a nebulous and romanticised one. Whilst programs such as Neighbourhood Watch may be reassuring to the propertied middle classes, they hold no attraction for the communities of the marginalised, including some Aboriginal communities. Within these groups, it is argued, police do not work *with* the community but at best for the community and at worst against it (Cunneen 1988).

Far from being the benign and friendly model that advocates of 'soft' policing such as former NSW Police Commissioner John Avery proclaimed it to be, some critics argue that community policing is simply an insidious method to guarantee the 'enhanced penetration of civil society' (Cameron 1986, p.36).

catching of criminals is a key component of community policing. Community policing programs involving problem solving training and partnership programs have been evaluated as being of considerable worth (Macdonald 2002), particularly those that shift the philosophy of policing 'away from reactive models towards proactive models of operation after a process of community consultation' (Sarre 1996, p.30). Models of community engagement are particularly valuable with ethnic communities when they are 'formulated and developed in recognition of the distinctive experience, mores and special structures of local communities' (Weisburd et al in Sarre 1996, p.30).

Evidence to this Inquiry from a variety of sources has generally viewed community policing initiatives as positive ways to reduce the incidence of assaults. For example, a submission from the City of Yarra states that:

Yarra residents strongly support a community policing approach where Police are visible and part of the community. It is recognised that Police have finite resources and many demands on their time. In Yarra, Police taking a community policing approach for example with Aboriginal community members has been observed to be more productive than a hard line law and order approach.

Increased capacity for more targeted community policing initiatives focussing on preventing crime and strengthening relationships between the most vulnerable groups in Yarra would be encouraged.⁴⁰⁴

The City of Yarra points to the example of the Neighbourhood Justice Centre⁴⁰⁵ within its boundaries as a positive example of police/community engagement that has produced positive outcomes through its restorative justice approaches. 'Wherever vulnerable community members are involved, Indigenous, homeless people, youth and people with mental health issues, community policing is the preferred approach'.⁴⁰⁶ A submission to this Committee from Jesuit Social Services also commends the Neighbourhood Justice Centre and the community policing approaches associated with it for reducing assaults and violence in public places:

⁴⁰⁴ Submission of the City of Yarra to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

⁴⁰⁵ The Neighbourhood Justice Centre (NJC) is a three-year pilot project of the Victorian Department of Justice and the first of its kind in Australia. Its raison d'être is the benefit of 'delivering' and co-ordinating justice and support services, including diversionary programs, at a local community level. Located within the Yarra municipality of inner city Melbourne, the NJC aims to enhance community involvement in the justice system.

The NJC provides:

- a court (including a children's court)
- on-site support services for victims, witnesses, defendants and local residents
- mediation and crime prevention programs for the City of Yarra
- community meeting facilities.

The NJC works closely with the City of Yarra community to:

- address the underlying causes of offending
- provide opportunity, education and support for victims, witnesses, defendants and local residents
- assist in preventing crime
- stop the 'revolving door' of crime and punishment
- increase the community's involvement in the administration of justice
- increase access to justice.

For further discussion of the NJC, see the Final Report of the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Prevent High Volume Offending by Young People*, (July 2009).

⁴⁰⁶ Submission of the City of Yarra to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

Feedback about the Neighbourhood Justice Centre is very positive with a number of different sources explaining why this new model helps to reduce recidivism and the number of assaults in public places. Clients have used the special police services, community liaison and indigenous officers for support, which helps prevent crime before it occurs. It is also very useful for community organisations to have access to the facilities and meeting rooms at the Neighbourhood Justice Centre.

There is positive feedback about the youth resource officers from the Fitzroy police station who provide specialist community programs on the inner metropolitan housing estates. These police officers have made it safer, particularly for young people, to live in the community without fear of attack. Similarly, the introduction of community liaison officers with ethnic backgrounds has been a positive development for Victoria Police.⁴⁰⁷

Jesuit Social Services suggests that ‘this change in culture and working with the community needs to be embraced more broadly throughout the police force’.⁴⁰⁸

The Police and Community Youth Assist Program

Another example of a successful community partnership model to address (youth) offending and potential public disorder is the Police and Community Youth Assist Program.

The Police and Community Youth Assist Program is a local program (initially piloted in the Frankston area) that identifies young people at risk of involving themselves in antisocial and criminal behaviour and aims to steer them away from crime through diversion, intervention and prevention strategies. It works as a major partnership between Victoria Police and Mission Australia.⁴⁰⁹

⁴⁰⁷ Submission of Jesuit Social Services to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, November 2009.

⁴⁰⁸ Submission of Jesuit Social Services to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, November 2009.

⁴⁰⁹ Other community support agencies involved with the program include:

- Anglicare
- FIFS Frankston Integrated Family Services & Child First
- PYFS Peninsula Youth and Family Services
- YSAS Youth Substance Abuse Service
- PENDAP Peninsula Drug & Alcohol Program, Peninsula Integrated Health
- Peninsula Sexual Assault Centre
- Frankston Integrated Health Centre
- Peninsula Community Legal Centre
- Frankston Ambassadors (Frankston Council, Outreach)
- CAMHS, Child and Adolescent Mental Health Service Crisis Centre
- Headspace Peninsula
- Salvation Army (Emergency Accommodation)
- Taskforce Community Agency (Employment, Education & Support Services)
- LLEN, Local Learning Employment Network (Employment, Education and Training Co-ordinator)
- Chisholm Institute (Educational Facility)
- Hands On Learning (Alternate Learning Options within Secondary Colleges)
- Department of Human Services, Adolescent Team
- Department of Education, Southern Region.

The Program offers individually tailored action plans and ‘sustainable pathways’ based on a case management framework. It aims to enhance the health and wellbeing of young persons and to encourage sustainable education and employment. The Program relies heavily on police YROs to explore the use of discretion where appropriate to divert a young person from the negative outcomes of the criminal justice system. Where possible the Program provides the young person with access to intensive support programs including mental health services, accommodation, alternatives to school, drug and alcohol programs, family welfare and counselling services and employment services, with the ultimate aims of reducing antisocial behaviour, recidivism and the promotion of social inclusion.

Youth welfare agencies have been enthusiastic about integrated and coordinated approaches such as Youth Assist and see them as positive responses to youth at risk. For example, a submission to this inquiry from Youthlaw views this program as a holistic approach to youth issues that adopts multi-agency involvement to address complex issues.⁴¹⁰ Victoria Police officers have also been enthusiastic about the aims and efforts of the Program and the way that partnership policing can work to reduce potential violence, offending and disorder.⁴¹¹

Other submissions to this Inquiry, particularly from local government authorities, have outlined community policing approaches that are often in partnership with local community agencies. They emphasise the importance and benefits of a partnership approach to minimising violence and antisocial behaviours within local communities.⁴¹²

⁴¹⁰ Submission from Youthlaw to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

⁴¹¹ A Victoria Police media release speaks to the benefits of the program as follows:

‘Frankston Police have teamed up with Mission Australia this April to identify and assist at-risk youth who are prone to being involved in criminal behaviour.

Since its beginning in July 2007, the “Youth Assist Program” has already provided early intervention and prevention strategies to 145 youths aged up to 17 years old. Once at-risk youths have been identified, the program aims to reduce the onset of crime and prevent recidivist offending behaviour. Where possible, youths are encouraged to enter the work place or re-commence studies, and many have successfully been reunited with their families and the community.

Frankston Youth Resource Officer, Leading Senior Constable Renee Bloomfield, said the program aims to enhance the health and wellbeing of young people:

“The program allows us to tailor individual actions plans to encourage at-risk teenagers to pursue education and employment pathways,” said Leading Senior Constable Bloomfield.

“Each individual that comes through the program has different needs, which is why it is important for police to engage support from a wide range of community partners.

This includes community groups that specialise in drug and alcohol abuse, family violence, adolescent support and counselling, health support, legal studies, family counselling, emergency accommodation and education, employment and training”

(Victoria Police Media Release – Youth Assist Program, 27 August 2008, Accessed at www.police.vic.gov.au).

⁴¹² See for example submissions from:

- Surf Coast Shire (Increased community foot patrols and proactive inter agency and police harm management model during ‘Schoolies Week’ in the seaside resorts of Torquay and Lorne)
- Moreland City Council (Mentoring with Muscle Program teams up local police Youth Resource Officers with young people at risk to build relationships and positive behaviour change through the provision of physical, recreational and educational activities)
- City of Geelong
- Brimbank City Council
- City of Casey
- City of Yarra.

The importance of partnerships

Collaboration and cooperation

There is now a considerable amount of overlap with regard to the regulation and oversight of licensed premises and entertainment precincts. In essence, both licensing authorities and police ‘play a dual role in enforcing liquor laws’ and by extension minimising harm in and around licensed premises (NSW Audit Office 2008, p.41). One officer describes the difference in approach as follows:

We’re [police] interested in public order and safety and they’re [licensing authorities] interested in compliance issues around the licence, noise and such like – we’re both interested in the well being of the community but police are primarily focused on preventing crime and perceptions of safety – we both have different end games (Police Commander quoted in Fleming 2008, p.13).

Notwithstanding this difference in emphasis there is a general recognition that negotiated partnerships between police and government or community agencies are essential – an acknowledgement that neither ‘police nor any other agency can go it alone’. As Donnelly and Roche argue:

Collaborative interventions in licensed premises appear to offer the most potential for reduction in interpersonal violence in public places. In the Australian context the importance of strategic direction, proactive policing, intelligence, collaboration and integration are considered the key organisational factors for best practice policing in licensed premises (Donnelly & Roche 2003, p.98).

In addition to this role of being an adjunct to the regulatory role of police, the other benefit of collaborative partnerships is they are seen as ‘providing a forum where mutually defined problems can be aired’ and information and knowledge can be shared (Fleming 2008, p.34). One criticism expressed is that police officers have only limited knowledge of the legislative framework for regulating licensed premises and that this operates as a barrier to effective policing (Doherty & Roche 2003). Moreover:

Confronted with potentially thorny legal issues about by-laws and regulation, officers may be tempted to avoid policing such a situation rather than dealing with it. This might explain the paucity of liquor infringement notices handed down in many jurisdictions. Centralised [liquor] units allow for training on the job and allow this knowledge to be disseminated across regions and officers via workshops and training sessions (Fleming 2008, p.37).

One key way of improving the partnership between police, licensing authorities and local government agencies in Victoria is for police to work cooperatively in tandem with the Compliance Directorate established by the Victorian Department of Justice (Responsible Alcohol Victoria).

Compliance Directorate – Responsible Alcohol Victoria (RAV)⁴¹³

One of the main objectives for the Compliance Directorate is to ensure licensees are meeting the obligations of their liquor licence under the *Liquor Control Reform Act 1998*. The Compliance Directorate, part of RAV, works in partnership with the entertainment and licensed premises industry, Victoria Police, the Director of Liquor Licensing and other government agencies to address compliance issues in the liquor licensing industry.

⁴¹³ The Compliance Directorate has also been comprehensively discussed in the context of regulatory policy in Chapter 8 of this Report.

There are over 40 Compliance Inspectors that are part of the Compliance Directorate. They monitor licensed premises throughout Victoria 24-hours a day, seven days a week. The inspectors take a risk-based approach to compliance, tailoring their approach and enforcement actions to the issues and circumstances. Responses may range from ensuring licensees are aware of and understand their responsibilities, through to issuing on the spot fines.

The Directorate acts on behalf of the Director of Liquor Licensing making recommendations about variations to licence conditions, or disciplinary or prosecution action that may be needed.⁴¹⁴

Victoria Police retain all their current powers associated with inspecting and monitoring licensed venues. However, the establishment of the Compliance Directorate allows them to 'concentrate on more serious breaches of liquor laws and other public safety issues in and around licensed premises'.⁴¹⁵ Police command have been welcoming of the introduction of the Directorate and its inspectors. Indeed Sir Ken Jones, Assistant Commissioner of the Victoria Police, told the Committee:

We are going to work alongside them [Directorate inspectors], and that has to be part of the solution. The point made earlier about people complying with the licensing guidelines, it is not something we can police to any intensity, but with these people alongside us, and working to a common script, which is what we have got to do, with our partners in health as well as in the council and the new inspectors, that has to be part of the way forward. It is a brand-new venture, but it is one that we welcome.⁴¹⁶

The then Director of Liquor Licensing, Ms Sue Maclellan told the Committee that whilst the roles of the Directorate and the Police will complement each other they will also concentrate on different matters:

Obviously compliance officers late at night cannot deal with the broad range of offences, particularly relating to assault, so there is a clear delineation about what police do and what compliance officers do, given who has got what power. They are certainly on board, and they are certainly inspecting. As at 21 February they have done 16 500 inspections. They have detected over 12 000 breaches, but having said that, a number of them are pretty, what I call, low-level offences... At this stage they [compliance inspectors] are going to go and visit everybody, but obviously their aim is to focus in the longer term on the riskier venues or the venues that are not complying rather than repeatedly visit people who demonstrate compliance. That is not the aim. They are working with Victoria Police. They are doing targeted work with police at night and working strongly together with the various units of Victoria Police that now have licensing responsibility... Police are doing strategic operations as well, so they link in with each other. The aim is to work together. The aim is not to have people traipsing through, one after the other after the other, to deal with the same issue, but to be as efficient as they can. It is nine months in, and the protocols are getting in place everywhere to make sure they all work together.⁴¹⁷

Police at operational and street level are also enthusiastic about collaborating with RAV and the Directorate. Inspector Clive Rust, based in the Chapel St night-time entertainment precinct in Prahran, told the Committee:

⁴¹⁴ Accessed at, www.justice.vic.gov.au, 28 June 2010.

⁴¹⁵ Accessed at, www.justice.vic.gov.au, 28 June 2010.

For further discussion of the role and responsibilities of Directorate Compliance Inspectors, see Chapter 8.

⁴¹⁶ Correspondence from Sir Ken Jones, Assistant Commissioner, Victoria Police, 4 August 2010.

⁴¹⁷ Evidence of Ms Sue Maclellan, Director of Liquor Licensing, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 22 March 2010.

Our policing focus is on the high-risk venues, the ones that give us trouble, and the cafes and restaurants, although not being ignored, have not been the focus. There are administrative issues that have lapsed, and RAV is actually picking up on that now, and it is good for their officers too, because they are new and they are getting used to it and getting out to people and talking to them. There is a memorandum of understanding that I do not think has been signed off yet, but it includes provisions for exchange of information and notification of when the RAV intends to do an operation on an area to ensure that they are not going to interfere with any covert operations or major operations that we have planned. We plan to undertake joint operations with them in the near future, so they are a good resource at this stage.⁴¹⁸

The other potential benefit of the Compliance Directorate for Inspector Rust is that it eventually may release police from administrative or lower level licensing tasks to concentrate on more standard law and order policing and crime prevention around licensed premises.⁴¹⁹

Project Malt

One current example of a collaborative partnership initiated by Victoria Police to address patron safety in and around licensed premises is a Multi Agency Liquor Taskforce (Project Malt).

As part of the TaskForce, Victoria Police works with a variety of community and government agencies to develop and implement a coordinated and regulatory enforcement response to licensed venues that fail to comply with the regulations governing the operation of licensed premises:

Regulations relating to occupational health and safety, noise levels, responsible service of alcohol practices, appropriate crowd control measures, fire and emergency egress, and other regulators' issues relating to licensed venues are all relevant when it comes to patron safety and amenity and in the longer term, reduction of assaults.

The project will indirectly influence the level of assaults through a range of co-ordinated regulatory and enforcement activities amongst the agencies.⁴²⁰

Participating agencies in the Project include the Country Fire Authority, Metropolitan Fire Brigade, WorkSafe, the Victorian Taxi Directorate, Local Councils, the Environment Protection Authority and RAV. The taskforce will be coordinated by Victoria Police.

Accords

Collaboration through the use of liquor accords and forums is also crucial to the success of proactive policing of licensed premises. Victoria Police takes a major participatory role in the operation of accords, particularly in areas where there are high numbers of entertainment venues and licensed premises. This may include partnerships with licensees

⁴¹⁸ Evidence of Inspector Clive Rust, Stonnington Service Area Manager, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October.

⁴¹⁹ Evidence of Inspector Clive Rust, Stonnington Service Area Manager, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October.

⁴²⁰ Correspondence from Simon Overland, Chief Commissioner, Victoria Police, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, 18 June 2010.

and their staff and with local government officers. At forums or individual meetings with licensees and staff police can explain the laws and the reasons for an active police presence and warn licensees of any pending police operations. Such operations when explained in advance are usually accepted by licensees and serve an educative purpose:

Police presence within a licensed drinking location can increase detection and reporting of crime and disorder incidents. The shift toward intelligence-led policing has alleviated victim concerns and legitimised policing strategies aimed at ‘targeting’ licensed venues (Stockwell 1997)... Both uniformed and plainclothes presence at licensed drinking locations can reduce the prevalence and severity of alcohol-related incidents, and breaches of liquor laws.

Liquor laws [in turn] can be applied proactively to identify or respond to potential management problems, server practices or patron behaviour (Doherty & Roche 2003, p.46).

Action plans and partnership agreements

A number of local government authorities have entered partnership agreements, formed community safety committees, or developed action plans in conjunction with Victoria Police to address public safety concerns in their municipalities. Many of these initiatives concern strategies to address violence, assaults and alcohol-related antisocial behaviour. They are often targeted at particular times of the year such as New Year’s Eve or ‘Schoolies Week’. A number of local government authorities have these types of community safety plans or agreements, which will usually include input from licensing authorities, night-life bodies, police and community agencies.⁴²¹ Many of these agreements have been outlined in submissions to this Committee.⁴²²

The Frankston City Ambassador Program

The Frankston City Ambassador Program was introduced to address antisocial behaviour and assist visitors in the central business and shopping districts and along the Frankston foreshore. It commenced operation in December 2006. It is a prime example of a program in which civil authorities or community agencies work in tandem with the police to address issues of potential public disorder in a local community environment.

The Ambassadors are paid employees of the City of Frankston, many of whom have backgrounds in community development. They walk around Frankston City during peak times and at events providing a ‘friendly presence’.

[The Ambassadors] work closely with the visitor information centre to provide residents and visitors whom they come across with useful information about what’s happening in the municipality. They also work closely with the Police foot patrols and report any criminal activities to Police. If there are anti-social behaviours being exhibited the Ambassadors utilise diffusion techniques and implement corrective behavioural models. They also seek to develop better networks between traders and have developed a “Trader Watch” program and distributed Business Security Kits in conjunction with Frankston Police’s Crime Prevention Officer.

⁴²¹ See Chapter 15.

⁴²² See for example, Submission of Bass Coast Shire (Community Safety Committee auspiced by local police), October 2009; Submission of Moreland City Council, October 2009; Submission of Surf Coast Shire, November 2009; Submission of City of Ballarat (City Safety Advisory Committee), October 2009; Submission of City of Greater Geelong (Greater Geelong Safety Committee), October 2009; to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria.

Council has received overwhelming support of this program from residents and traders. Being highly identifiable, easy to approach and a regular feature in the streets has allowed the Ambassador team to make extensive contacts with the Frankston Community.

By attending the local skate park and community events they have been able to build positive relationships with the local youth. The flow on from this has been that young people now recognise the Ambassadors as a source of information and support.⁴²³

The continuing objectives of the Ambassador Program include to:

- improve perceptions of safety by reducing antisocial behaviour within the municipality by having a highly visible presence;
- provide a strong Ambassador public presence;
- build the community's capacity to respond to antisocial behaviours;
- provide information to visitors, traders and residents;
- educate the community about local laws (spray paint, alcohol, dogs etc); and
- address key stakeholder concerns.⁴²⁴

Working with private security providers

The problems associated with providing adequate and effective security at licensed premises, and particularly large hotels and nightclubs, have been a major concern of police, local government and licensees. Increasingly, however, police are working collaboratively with the private industry to secure positive outcomes in addressing the potential for violence and disorder in this night-time economy. One senior police officer told the Committee that 'the most important people at any licensed premises are the security people on the front door'.⁴²⁵

Certainly security staff can play a crucial role in reducing alcohol-related violence and other harms in licensed venues, particularly larger clubs and bars, and also at public events such as sporting fixtures, street festivals and music concerts.⁴²⁶

Victoria Police has informed this Committee of a number of ways in which the links between the public and private security forces have forged stronger relationships over the past few years:

Victoria Police's Licensing Services Division (LSD) constantly collaborates, consults and communicates with the many and varied aspects of the private security industry on a regular basis. This includes the conduct of regular forums with the industry and consistent engagement through the LSD web site and regular publications/newsletters. LSD also regularly engages with Approved Security organisations such as Australian Security Industry Association Limited and Victorian Security Institute.⁴²⁷

⁴²³ Submission from the City of Frankston to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

⁴²⁴ *Frankston City Council Ambassador Program Brief 2009*, p.1. Provided to the Drugs and Crime Prevention Committee with the Submission of the City of Frankston.

⁴²⁵ Evidence of Inspector Clive Rust, Stonnington Service Area Manager, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October.

⁴²⁶ See Chapter 13 for a discussion of these types of environments.

⁴²⁷ Correspondence from Simon Overland, Chief Commissioner, Victoria Police, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, 18 June 2010.

In addition to LSD's liaison role, the Assistant Commissioner (Counter Terrorist Co-ordination & Emergency Management Department) and Superintendent LSD are also members of the Victorian Security Industry Advisory Council (VSIAC) that reports to the Minister for Police and Emergency Services.

Current operational strategies to address assaults, violence and disorder

In addition to the usual 'walk throughs' of licensed premises and mechanised or street foot patrols of these environs, Victoria Police, either of its own accord or in conjunction with other partners, have on occasion launched dedicated operations to combat assaults and other forms of violence, particularly those occurring in and around licensed premises, entertainment precincts or other 'high risk areas'. These operations are often based on the principles of targeted or intelligence-led policing discussed earlier in this chapter. Some of the most recent of these operations are discussed below.

Safe Streets Taskforce

The Safe Streets project established by Victoria Police in October 2007 was a response to 'deteriorating public order issues and an increase in assaults in and around licensed premises' (Fleming 2008, p.17). The project was responsible for:

[i]dentifying triggers and precursors to public safety related crime and behaviour; establishing the effectiveness of existing and potential policing and regulatory strategies; and identifying and engaging partners for an intergovernmental approach to public safety (Fleming 2008, p.17).

The Project included a research arm that monitored and assessed the best ways to address violence and disorder in licensed premises and other public environments. This was governed by a police-chaired steering group that engaged advisory consultants from the private, government and community sectors. It also comprised an operational aspect through the deployment of a police task force.

The Safe Streets Task Force regularly operated on a Friday and Saturday night with more than 50 police personnel patrolling the streets of central Melbourne. Variations of the Safe Streets project are also operated at local level, for example in the Chapel Street precinct of Prahran.

Whilst some internal evaluations of Safe Streets have been conducted 'they are subject to cabinet in confidence and internal security requirements'.⁴²⁸

Taskforce Razon

Taskforce Razon is an undercover state-wide liquor licensing taskforce. It consists of a squad of 20 or more police officers used to investigate and monitor licensing breaches and irresponsible practices in and around licensed premises across Melbourne and Victoria. A particular focus is the serving of people with alcohol after they have shown signs of intoxication:

⁴²⁸ Correspondence from Simon Overland, Chief Commissioner, Victoria Police, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, 18 June 2010.

Nicknamed the 'grog squad' by the media, the taskforce brings together regulation and enforcement and works covertly and overtly to identify poor practice and unlawful activity in licensed premises (Fleming 2008, p.17).

Assistant Commissioner Steve Fontana of Victoria Police described the operations of the Taskforce when he spoke to the Committee:

It is a little bit different to the other units that operate because it is an undercover unit which goes into high-risk venues... We have an inspector, analysts and we have a number of other ranks coming in. It is a covert policing capability, so they do not go out in uniform.⁴²⁹

Members of Razon have also been active in using intelligence gathered through the operational work of the taskforce to develop a harm index that assesses what are considered to be high-risk venues across the state. Each targeted venue will be given a risk rating according to a set of intelligence based criteria:

They are looking at data in terms of incidents that have occurred inside premises. They have done a weighting of the seriousness of the type of incident, and they have also connected it with people who have been picked up by booze buses and things like that. They are looking at what has been associated with that particular venue.

They are working with Responsible Alcohol Victoria compliance directorate. We are setting this up because we see it as important that we do run some joint operations.⁴³⁰

Taskforce Razon was recently expanded into a full-time permanent taskforce with 26 extra positions available from July 2010. It is also envisaged there will be improved coordination between Razon and other areas of Victoria Police and RAV. Taskforce Razon has not yet been evaluated.⁴³¹

Miscellaneous operations

In addition to these operational strategies specifically targeting alcohol-related public disorder and crime, a number of other related operations are currently in existence. These include the Safer Stations project and Operation Guardian. Both of these operations are proactive, high visibility policing strategies which primarily target offences against the Indian community as a result of actual cases of violence against Indian nationals, particularly students, and perceptions that Indian residents were subject to rising acts of racist and hate-related violence.

Members of the Victoria Police based in the Dandenong region spoke to the Safer Stations operation in the Dandenong/Noble Park/Springvale corridor when they met with the Committee in October 2009. Detective Senior Sergeant Trevor Smith described the project as follows:

Our current high-profile operation is Safe Stations. It was brought about directly as a result of the Indian students publicity... That is an ongoing combined police effort between the

⁴²⁹ Evidence of Steve Fontana, Assistant Commissioner, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 22 February 2010.

⁴³⁰ Evidence of Steve Fontana, Assistant Commissioner, Victoria Police given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

⁴³¹ Correspondence from Simon Overland, Chief Commissioner, Victoria Police, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, 18 June 2010.

Transit Police and supported by resources from our region and other regions in other parts of Victoria...and it is also supported by the Canine, Booze Bus, Mounted branch. It is a number of different areas working together to try and combat the violence that has been happening on the transit system.

It is a high police presence utilising lots of different resources. It is transit primarily and it is supported by the regions with numbers. There are travelling patrols on the trains, as well as around the train stations, but the regional support is also a wider area that covers about a one-kilometre radius around the train station.

Police conduct these operations on a weekly basis and commence the operational patrols with an intelligence briefing beforehand.⁴³²

Good order provisions

There are a number of legislative ‘tools’ that Victoria Police can use to address potential and actual cases of assaults, violence and alcohol-fuelled disorder in and around licensed premises. These include the use of ‘move on’ laws, infringement notices, banning notices and exclusion orders in addition to more formal offence charges available to the police under the *Crimes Act* and *Summary Offences Act*. The use of such provisions and criticisms with regard to their effect particularly on young people has been previously discussed.⁴³³

Police resources

The Victoria Police is an organisation employing over 13,800 people. These numbers comprise sworn police officers, civilian staff and protective security officers spread over 339 police stations and other facilities throughout Victoria. As part of its Terms of Reference the Committee requested a breakdown of police numbers deployed for each police service area and/or local government area. Victoria Police responded that police numbers were allocated according to the police allocation model (PAM).⁴³⁴ The following table provided by Victoria Police indicates the approved level of staffing for each Victorian PSA.

⁴³² Evidence of Detective Senior Sergeant Trevor Smith, Criminal Investigation Unit, Victoria Police, Dandenong Region, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Dandenong, 26 October 2009.

⁴³³ See Chapter 9.

⁴³⁴ Information supplied in correspondence from Simon Overland, Chief Commissioner, Victoria Police to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, 18 June 2010.

Table 10.1 Victoria Police staffing by PSA as at 11 August 2010

Region / Department	PSA / Branch	Approved Funded FTE PSA
Western Region	PSA Bendigo-WD5	164
	PSA Ballarat-WD3	117
	PSA Campaspe-WD5	102
	PSA Central Goldfields-WD5	47
	PSA Geelong-WD1	250
	PSA Horsham-WD4	72
	PSA Moorabool-WD3	75
	PSA Mildura-WD6	111
	PSA Macedon Ranges-WD5	114
	PSA Northern Grampians-WD4	104
	PSA Surf Coast-WD1	32
	PSA Southern Grampians-WD2	100
	PSA Swan Hill-WD6	102
	PSA Warrnambool-WD2	72
	Result	1,462
North West Metro Region	PSA Banyule-ND5	135
	PSA Brimbank-ND3	192
	PSA Darebin-ND5	186
	PSA Hobsons Bay-ND2	136
	PSA Hume-ND4	183
	PSA Maribyrnong-ND2	98
	PSA Melbourne-ND1	489
	PSA Moonee Valley-ND4	158
	PSA Moreland-ND4	124
	PSA Melton-ND3	100
	PSA Nillumbik-ND5	69
	PSA Whittlesea-ND5	144
	PSA Wyndham-ND2	118
	PSA Yarra-ND1	185
	Result	2,317

Eastern Region	PSA Baw Baw-ED5	66
	PSA Boroondara-ED1	151
	PSA Bass Coast-ED5	98
	PSA Benalla-ED3	92
	PSA East Gippsland-ED6	99
	PSA Knox-ED2	173
	PSA La Trobe-ED5	182
	PSA Manningham-ED1	70
	PSA Monash-ED1	153
	PSA Maroondah-ED2	135
	PSA Mitchell-ED3	136
	PSA Shepparton-ED3	103
	PSA Whitehorse-ED1	133
	PSA Wellington-ED6	73
	PSA Wangaratta-ED4	103
	PSA Wodonga-ED4	96
	PSA Yarra Ranges-ED2	171
	Result	2,034
Southern Metro Region	PSA Cardinia-SD3	95
	PSA Casey-SD3	209
	PSA Greater Dandenong-SD3	218
	PSA Frankston-SD4	170
	PSA Glen Eira-SD2	92
	PSA Kingston-SD2	227
	PSA Mornington Peninsula-SD4	186
	PSA Port Phillip-SD1	170
	PSA Stonnington-SD1	152
	Result	1,519

Note: These approved funded profile figures are based on the old PAM model. These are only the recommended profile of each PSA and not the actual number of police deployed at each PSA. The table does not include VPS support staff and PAM does reflect support police positions. There are also other resources not included in the table, which are deployed into PSA's on a daily basis based upon the Deputy Commissioners Tasking and Coordination process. This is intelligence led tasking which deploys organisational resources across the state to the identified priorities within various PSA's. These resources include the Operations Response Unit, Mounted Branch etc.

Source: Victoria Police (correspondence 12 August 2010).

Submissions and evidence to the Committee from a number of sources, including the Police Association and local government representatives, highlighted the importance of having sufficient numbers of police visibly present in places of high risk to deal with both actual and potential cases of assaults and violence. This was thought to be particularly the case in areas that have a high number or density of entertainment/drinking venues in their localities such as the City of Melbourne and City of Stonnington.

Many licensees and people associated with the liquor/entertainment industries also welcome a strong and visible police presence:

Nothing replaces the police presence. The foot patrol that came in early 2007 was great but I know they do not always have the numbers to maintain these sorts of things. People feel a lot safer knowing the police are around.⁴³⁵

Not all stakeholders view an increase in police numbers as the appropriate strategy to reduce public disorder or antisocial behaviour. For example, the community legal service Youthlaw argues that ‘spending money on extra police is not as effective in reducing crime as investing in long term interventions and crime prevention strategies that address the social factors that influence why [young] people offend’.⁴³⁶ Submissions from other interested parties have argued that any increase in police resources should be tailored to the special needs of their constituents. For example, the Victorian Aboriginal Legal Service believes that police should not be targeting Indigenous Victorians as much as assisting them in the community and therefore a significant share of police resource funding should be allocated to Aboriginal Community Liaison Officers and Aboriginal Community Justice Panels.⁴³⁷

Clearly related to the issue of police resources is the issue of police visibility. Whether police patrols, police walk-throughs in bars and clubs, and/or deployment of large numbers of police affects the levels of crime is debatable.

For some officers it is not necessarily always the presence of police per se that is going to be crucial as much as the visibility of *some* form of authority:

The issue has to be a visible presence. But the visible presence does not have to be police; it can be other people in authority. As long as there are people in authority clearly visible then that will tend to minimise antisocial behaviour.⁴³⁸

In this regard the types of partnership being forged with government units such as the Compliance Directorate or even community bodies such as the Ambassador Program discussed earlier in this chapter are essential aspects of reducing pressure on police and police resources. Inspector Caroline West of the Dandenong Police reflected the attitude of most of the police representatives with whom the Committee met, saying that whilst more

⁴³⁵ Evidence of Mr Darren Holroyd, Chairman, Geelong Nightlife Association, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁴³⁶ Submission of Youthlaw to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

⁴³⁷ Submission of Victorian Aboriginal Legal Service to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, November 2009.

⁴³⁸ Evidence of Inspector Ron Cooke, Manager, Operation Razon, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Frankston, 26 October 2009.

resources and more visibility was always welcome, in the end 'We do the best we can with what we have'.⁴³⁹

Given the importance of the debates around police resources it is important to acknowledge that both the Government and the Victorian state opposition have given pledges for substantial increases in police resources should they attain office.

Conclusion

A one-size-fits-all approach to policing environments associated with violence and public disorder is clearly inappropriate. What is needed is a clear strategic vision that incorporates intelligence-led policing principles, good data collection, analysis and evaluation, targeted and proactive interventions and collaborative partnerships. Victoria Police itself recognises that:

[a] multi-faceted approach is the most effective approach. This includes targeted, visible and flexible saturation policing, supported by other approaches such as licensing enforcement of premises in high risk areas.⁴⁴⁰

Proactive policing, particularly in collaboration with licensed venue staff and management, security personnel and the Victorian Compliance Directorate, can address potential violence and other problems at a relatively early stage. It can also reduce the severity and number of alcohol-related assaults through developing appropriate targeted responses. In addition, proactive approaches can have a deterrent and educative effect on licensed venue staff, patron behaviour and social attitudes and perceptions generally.

Recommendation

The Committee recommends that Victoria Police liaise with the Australian Security Industry Association Limited (ASIAL) to examine ways in which the police and the private security industry can collaborate more closely and work more effectively in addressing public order and security issues.
(*Recommendation 3*)

⁴³⁹ Evidence of Inspector Caroline West, PSA Manager, Victoria Police, Dandenong Region, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Springvale, 26 October 2009.

⁴⁴⁰ Information supplied in Correspondence from Simon Overland, Chief Commissioner, Victoria Police, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, 18 June 2010.

Recommendation

The Committee recommends that the Victorian Government undertake research into community policing programs in Victoria to identify best practice models that could be used across the State. These programs should be culturally sensitive. *(Recommendation 4)*

Recommendation

The Committee recommends that the Victorian Government review the current training Victoria Police officers receive in relation to working with vulnerable young people from diverse cultural and social backgrounds (including refugees, young people with a disability or mental illness, homeless and Indigenous young people), with a view to enhancing and/or extending that training, if necessary. *(Recommendation 5)*

11. Regulating the Availability of Alcohol

Introduction

A range of strategies for addressing alcohol-related assaults relate to regulating the availability of alcohol. Such strategies are consistent with a harm minimisation approach that has been applied to addressing both licit and illicit drug use and abuse in Australia. Harm minimisation strategies can seek to: a) reduce the supply of a drug; b) reduce demand for it; and/or c) reduce the harms associated with use (Ministerial Council on Drug Strategy 2004). Regulating the availability of alcohol can be seen as a supply reduction strategy. However, 'the status of alcohol as a legal drug requires that the priorities be more specifically developed to address particular aspects of supply' (Ministerial Council on Drug Strategy 2006, p.4). Regulating the availability of alcohol does not seek to remove access to alcohol, but to control supply in a manner that will reduce harmful levels of drinking that can result in violent behaviour.

Alcohol availability and the occurrence of assaults

When consumed within levels recommended by Australian Guidelines (National Health and Medical Research Council 2009), there is a low risk of alcohol consumption contributing to assaults occurring in public places. However, the link between alcohol and aggression is strong where there is a pattern of heavy episodic drinking and frequent instances of intoxication (Leonard 2008; Babor et al 2010). While this may appear to warrant a focus on individual problem drinkers rather than the supply of alcohol *per se*, increased availability of alcohol has been found to contribute to an increased overall consumption and increased harms. This is because:

1. as the availability of alcohol in a community increases, the overall average consumption by its population also increases;
2. as the mean alcohol consumption in a population increases so the number of heavy drinkers increases; and,
3. heavy drinking is associated with adverse health and social outcomes and as the number of heavy drinkers in a population increases, so too does the level of alcohol-related health and social problems (Single 1998 in Chikritzhs et al 2007, p.2).

The Committee received considerable evidence strongly supporting the view that an overall increase in the availability of alcohol, largely brought about by deregulation of the liquor industry, contributes to alcohol-related violence.⁴⁴¹ Accordingly, strategies that reduce availability were widely endorsed by many witnesses as a means of reducing assaults.

⁴⁴¹ See for example, Evidence of Professor Ross Homel, Director, Griffith Institute for Social and Behavioural Research, Griffith University, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Teleconference, Melbourne, 9 November 2009; Evidence of Robert Doyle, Lord Mayor, City of Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 23 November 2009.

Reducing availability

A range of measures has been implemented in various jurisdictions with the aim of reducing availability. These can be divided into those that work on the economic availability of alcohol and those that control physical availability:

In essence, economic availability refers to the price of alcoholic beverages in relation to the disposable income of drinkers. The physical availability of alcohol relates to the ease with which individuals can obtain or come into contact with alcohol in their local environments (Chikritzhs et al 2007, p.3).

Economic availability and taxation

Reducing availability through the mechanism of price is an important strategy for reducing alcohol-related violence.⁴⁴² The simplest way for governments to influence the price of alcohol, and hence economic availability, is through taxation, a mechanism widely supported by witnesses giving evidence to the Committee. Associate Professor John Wiggers, for example, told the Committee that higher taxation is an effective strategy for reducing alcohol consumption and associated harms.⁴⁴³ Professor Homel agrees. Talking about a range of evidence-based policy options, he told the Committee:

Increase in price is the other thing. The more expensive you can make alcohol for everybody, not just alcopops but every beverage for everybody, and the more you can make it inconvenient and unpleasant to access alcohol, the less will be consumed.⁴⁴⁴

A volumetric tax on alcohol was recommended by Mr Paul Dillon as a way to cut consumption among young people.⁴⁴⁵ Other price-related strategies recommended to the Committee included setting a minimum price for alcohol⁴⁴⁶ and banning discounting.⁴⁴⁷

⁴⁴² See for example, Evidence of Professor Peter Cameron, Academic Director, Emergency and Trauma Centre, Alfred Hospital, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 9 November 2009; Submission from VicHealth to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

⁴⁴³ Evidence of Associate Professor John Wiggers, Director, Population Health, Hunter New England Health, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Teleconference, Melbourne, 9 November 2009.

⁴⁴⁴ Evidence of Professor Ross Homel, Director, Griffith Institute for Social and Behavioural Research, Griffith University, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Teleconference, Melbourne, 9 November 2009.

⁴⁴⁵ Mr Paul Dillon, Director, Drug and Alcohol Research Training Australia, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Sydney, 30 November 2009.

⁴⁴⁶ See: Evidence of Associate Professor Tanya Chikritzhs, to Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 12 April 2010; Evidence of Mr Darren Holroyd, Chairman, Geelong Nightlife Association, to Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁴⁴⁷ Evidence of Mr Geoff Munro, National Policy Manager, Australian Drug Foundation, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009. For a critique of discounting in packaged outlets see Submission from Macedon Ranges Shire Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, September 2009.

Dr Tanya Chikritzhs suggested that the setting of a minimum floor price per standard drink, could raise the price of cheaper alcohol most favoured by people drinking at harmful levels. It would be likely to reduce the practice of pre-loading, as it would lessen the price differential between packaged liquor and drinks sold at hotels or nightclubs. She sees a minimum floor price as:

A good complement to price increases brought about by tax, because even when you put a tax on a beverage there's still somewhere to go in terms of down. So if you've got a small disposable income, and the tax on your beverage has just gone up, you still can go down to a cheaper beverage, you can substitute, and people do that.⁴⁴⁸

Mr Geoff Munro, National Policy Manager for the Australian Drug Foundation, told the Committee about a range of strategies being implemented or considered in Scotland, where a similar problem with alcohol-related violence has developed in recent years. These include setting a minimum floor price, and placing a ban on the discounting of alcohol on premises.⁴⁴⁹ In moves that mirror these plans currently before the Scottish Parliament, the recently elected UK coalition government has also announced plans to review alcohol taxation and pricing, and to ban the practice of selling alcohol below cost.⁴⁵⁰ It will be interesting to see what impact these measures have when they are implemented.

As previously discussed, two major reviews of an extensive range of international research projects have examined the relative effectiveness of measures designed to reduce alcohol-related harms (including violence).⁴⁵¹ These are a National Drug Research Institute (NDRI) review, *Restrictions on the Sale and Supply of Alcohol: Evidence and Outcomes*, by Chikritzhs et al (2007) and the World Health Organization (WHO) sponsored work by Babor et al (2010), *Alcohol: No Ordinary Commodity*.⁴⁵² Both provide strong support for price-based strategies for reducing alcohol availability.

The NDRI rates the effectiveness of taxation and price controls highly as a means of reducing alcohol-related harm. In their extensive review they found strong evidence for positive outcomes including substantial and/or compelling evidence of effectiveness in an Australian context. They note that price increases across a range of beverage types and countries have consistently resulted in reduced consumption. Of particular significance to this inquiry is the finding that consumption among heavy drinkers and younger drinkers is at least as responsive to price increases as that of other drinkers (Chikritzhs et al 2007, p.183). A summary of the NDRI assessment is provided in Table 11.1.

⁴⁴⁸ Evidence of Associate Professor Tanya Chikritzhs given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 12 April 2010.

⁴⁴⁹ Evidence of Mr Geoff Munro, National Policy Manager, Australian Drug Foundation, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

⁴⁵⁰ 'Alcohol loss leaders ban proposed' *BBC News*, 20 May 2010, accessed at <http://news.bbc.co.uk>, 1 June 2010. Selling below cost, variously referred to as deep-discounting or loss-leading, is a practice designed to attract customers to a store with the expectation that, while there, they will purchase other profitable goods. When applied to alcohol, the practice has been argued to encourage pre-loading (Bennetts 2008).

⁴⁵¹ Details of work done for these reviews is provided in Chapter 7.

⁴⁵² Both reviews rate a range of strategies and policy measures that have been tried internationally, including Australia. The rating system each uses is provided in Chapter 7.

Table 11.1 Taxation and pricing

Evidence for impact	✓✓
Suitable target populations	<ul style="list-style-type: none"> • Whole of population • Drinkers at increased risk of harm
Responsible authority	<ul style="list-style-type: none"> • Commonwealth
Suitability for short-term implementation	<ul style="list-style-type: none"> • Moderate, likely to have immediate impact but politically and administratively problematic
Suitability for long-term Implementation	<ul style="list-style-type: none"> • High, but needs to be kept in line with disposable income and create real changes in price
Likely positive outcomes	<ul style="list-style-type: none"> • Reduction in per capita consumption • Reduction in levels of risky/high drinking • Reduction in acute alcohol-related harms • Reduction in chronic alcohol-related harms
Possible negative outcomes	<ul style="list-style-type: none"> • Stimulation of illegal production and sale if excessive (creation of black-market)
Potential limiting factors	<ul style="list-style-type: none"> • Public acceptability high for hypothecated increased taxes, but less support for general tax increase • Taxation changes must be implemented at Commonwealth level • Anti-competitive practices legislation may potentially restrain or restrict application
Recommendations	<ul style="list-style-type: none"> • Should be regarded as a fundamental component of any population level policy aimed at reducing alcohol consumption and related harms • Would need to be adjusted over time to meet changes in economic factors and to maintain effectiveness

Note: ✓✓ indicates strong evidence for positive outcomes including substantial and/or compelling evidence of effectiveness in an Australian context.

Source: Chikritzhs et al 2007, p.183.

Likewise, Babor et al rate taxation as a highly effective and well supported policy tool for reducing alcohol-related harm, including violence. Their analysis suggests that higher taxes for higher strength drinks, or special taxes on youth-oriented beverages, also show evidence of effectiveness (Babor 2010).⁴⁵³

A submission from VicHealth also cites a number of studies that show consumption is reduced when the price of alcohol increases. One review cited by VicHealth looked at 112 different studies investigating relationships between the cost of alcohol, sales volume and self-reported drinking. It concluded:

⁴⁵³ This is consistent with the evidence of reduced consumption of ready-to-drink beverages since the introduction of the ‘alcopops’ tax, as discussed later in this chapter.

that alcohol price and tax increases are related inversely to drinking levels; in other words, policies that raise the price of alcoholic beverages are an effective means of reducing alcohol consumption.⁴⁵⁴

Not only is consumption reduced, but harms related to alcohol consumption, including violence, are also reduced.⁴⁵⁵ One UK based study found that a sustained 1 per cent increase in the price of beer would reduce hospital emergency presentations for violent incidents by around 2200 per month (Sivarajasingam, Mathews & Shepherd 2006).⁴⁵⁶

Implementing price-based strategies

In Australia, changes to the taxation of alcohol require action at the federal level since the imposition of excise duties and taxes is the sole prerogative of the Commonwealth Government (Chikritzhs et al 2007). Some action has been taken at that level.

In recognition of the harm caused by extensive binge drinking among young Australians, the Commonwealth Government moved in April 2008 to increase the tax on pre-mixed alcoholic drinks, generally referred to as 'alcopops'. The increase meant that pre-mixed drinks were to be taxed at the same rate as spirits, increasing the price per bottle or can by between 30 cents and \$1.30.⁴⁵⁷ Legislation to support the increase in taxation was initially rejected by the Senate in March 2009 but was passed when re-introduced in August 2009.⁴⁵⁸

The goal of reducing the consumption of pre-mixed drinks through increased taxation appears to have had some effect. A recently released report from the Australian Bureau of Statistics (ABS) (2010) on the consumption of alcohol in Australia found that the apparent consumption of such drinks fell by 30 per cent in 2008-2009. It also found that the quantity of ready-to-drink beverages available for consumption decreased by 5.6 million litres between 2007-2008 and 2008-2009. This reverses a trend of increasing apparent consumption since 2004-2005, and although the apparent consumption of spirits increased between 2007-2008 and 2008-2009 the increase was not sufficient to offset the decrease in ready-to-drink beverages. Despite small increases also in beer and wine:

The apparent per capita consumption of pure alcohol by persons aged 15 years and over decreased from 10.32 litres per person in 2007-08 to 10.08 litres per person in 2008-09, by 2.3 per cent...this is largely due to a fall in the apparent consumption of alcohol of ready to drink (pre-mixed) beverages which more than accounts for the increases in beer, wine and spirits (ABS 2010, p.2).

⁴⁵⁴ Wagenaar, Salois & Komro (2009) cited in Submission from VicHealth to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

⁴⁵⁵ Submission from VicHealth to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

⁴⁵⁶ See also, Evidence of Mr Michael Livingston, Research Fellow, Turning Point Drug and Alcohol Centre, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

⁴⁵⁷ Josh Gordon and Dan Harrison 2008, 'Booze Blitz: alcopop tax lifted by 70 per cent', *The Age*, 27 April, accessed at www.theage.com.au, 21 May 2010.

⁴⁵⁸ Australian Drug Foundation 2009, 'Senate alcopop vote a setback for the health of Australians', *Media Release*, 27 March, www.adf.org.au, (accessed 21 May 2010); Katharine Murphy 2009, 'Alcopops tax into law, Opposition in disarray', *The Age*, 14 August, accessed at www.theage.com.au, 21 May 2010.

The National Preventative Health Taskforce (NPHT)⁴⁵⁹ and the Henry Review of taxation⁴⁶⁰ have recommended further action in relation to the taxation of alcohol. The NPHT notes that:

Under Australia's current alcohol tax system, different products – beer, wine and spirits – are all taxed differently. The result is that very different amounts of tax are payable on a standard drink, depending on beverage type, alcohol concentration, container size, size of producer and the pre-tax price of the product. From a public health perspective, some of these differences are desirable, such as the relatively low tax on low-strength beer as an incentive for the production and consumption of such products. However, some differences under the current regime are a cause for concern (NPHT 2009, p.254).

The Taskforce recommended that independent modelling be commissioned to investigate a 'tiered' volumetric system of taxation that:

would be inclusive of stepped increases in tax rates that provide economic incentives for the production and consumption of lower strength alcohol products, and disincentives for the production and consumption of the highest-risk alcohol products (NPHT 2009, p.255).

It also recommended the setting of a minimum (floor) price for alcohol to discourage harmful consumption, and the directing of 'revenue from alcohol taxation towards initiatives that prevent alcohol-related societal harms' (NPHT 2009, p.256).

In its recent response to the NPHT recommendations, the Federal Government has committed to further investigate the concept of setting a minimum price for alcohol. The response also notes that a portion of revenue from the existing alcohol excise is being directed towards preventative measures, including the National Binge Drinking Strategy in the 2010-11 Budget. However, in response to the recommendation to consider a 'tiered' volumetric system of taxation, the Commonwealth Government 'has decided not to amend alcohol taxation further while Australia is in the middle of a wine glut and while there is an industry restructure underway' (Commonwealth Government 2010, p.97).

Physical availability

The physical availability of alcohol can be restricted in a number of ways, including setting a minimum legal purchasing age; restricting hours and days of trading; and limiting the density of outlets.

Restrictions on legal age for purchase and/or consumption of alcohol

Increasing the legal age for purchase of alcohol has been found to be an effective measure for reducing consumption and harms.⁴⁶¹ Both the NDRI (Chikritzhs et al 2007) and Babor et al (2010) rate restrictions on the legal age for purchase of alcohol as highly effective

⁴⁵⁹ For an outline of the National Preventative Health Taskforce see Chapter 8.

⁴⁶⁰ The Alcohol Policy Coalition 2010, 'Government's preventative strategy leaves health experts wanting' *Media Release*, 12 May, accessed at <http://alcoholpolicycoalition.org.au>, 21 May 2010.

⁴⁶¹ See: Evidence of Mr Michael Livingston given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009; Professor Don Weatherburn, Director, NSW Bureau of Crime Statistics and Research, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Sydney, 1 December 2009.

measures in this regard.⁴⁶² A large number of studies in the US have found that increasing the legal age for purchasing alcohol from 18 to 21 reduces alcohol consumption and harms among young people, particularly when restrictions are enforced (Babor et al 2010). Conversely, when the legal drinking age was lowered in New Zealand, from 20 to 18, ‘prosecutions for disorder offences among 14–15-year-olds’ increased (Huckle et al 2006 in Babor 2007, p.140).

While noting that there is very strong evidence for the effectiveness of raising the minimum drinking age, as a way to reduce consumption and alcohol-related injuries among young people, Chikritzhs et al suggest that any moves to raise the minimum drinking age in Australia would be unpopular. In their view, a more feasible option would be to improve enforcement of existing laws to curb current high levels of underage purchasing of alcohol (2007).⁴⁶³

Another option is to increase the age for purchasing alcohol from packaged outlets to 21 years. This strategy, which still allows 18-year-olds to drink on premises, is currently under consideration in Scotland. Mr Geoff Munro, from the Australian Drug Foundation, suggested that such a change would likely reduce the availability of alcohol to young people under the age of 18 and reduce drinking on the streets.⁴⁶⁴

Mr Munro, and the Australian Drug Foundation, also recommended the adoption of secondary supply legislation as an effective means of reducing harms associated with underage drinking and violence.⁴⁶⁵ Secondary supply laws, while not increasing the age for purchase of alcohol, aim to limit the supply of alcohol to underage drinkers by making it illegal for anyone other than a parent, guardian or spouse to provide alcohol to a minor in a private setting. Currently, ‘[t]wo states, NSW and Queensland, have legislated against secondary supply to underage persons in private premises and the government in Tasmania recently announced that it will introduce [secondary supply] legislation’ (Alcohol Policy Coalition 2009a, p.3).⁴⁶⁶ The Alcohol Policy Coalition suggests that although the relevant section of the NSW *Liquor Act* has been in force for some years, there appears to be little public awareness of the restriction. It also notes that recently introduced Queensland legislation goes further than the NSW legislation by introducing a second offence of ‘irresponsible supply’.⁴⁶⁷ Irresponsible supply ‘occurs when an adult who supplies a minor with alcohol does not supervise the minor’s consumption of that alcohol to ensure that it is consumed safely’ (Alcohol Policy Coalition 2009a, p.4). The Alcohol Policy Coalition supports introduction of secondary supply legislation (2009a).

⁴⁶² Chikritzhs et al give this measure two ticks, while Babor et al give it three pluses. See Chapter 7 for a full description of both rating systems.

⁴⁶³ Improved enforcement of liquor licensing laws is covered in Chapter 10.

⁴⁶⁴ Evidence of Mr Geoff Munro, National Policy Manager, Australian Drug Foundation, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

⁴⁶⁵ Evidence of Mr Geoff Munro, National Policy Manager, Australian Drug Foundation, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009; Submission from Australian Drug Foundation to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

⁴⁶⁶ The Alcohol Policy Coalition is comprised of the Australian Drug Foundation, the Cancer Council of Victoria, Turning Point Alcohol and Drug Centre and VicHealth.

⁴⁶⁷ See also, Evidence of Ms Naomi Oakley, Managing Director, U-Name Security, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 23 November 2009.

The Australian Drug Foundation's submission to the Inquiry supporting secondary supply legislation, recommends:

the introduction of nationally consistent secondary supply legislation based on the Queensland model, with enforcement based primarily on an educative approach, backed up by sanctions and accompanied by a comprehensive communication and education campaign targeting parents and teenagers.⁴⁶⁸

Regulating licensed premises

Calls for tighter regulation of licensed premises and liquor licensing in general were widespread in evidence presented to the Committee.⁴⁶⁹ Youthlaw, a state-wide specialist community legal centre for young people suggested that 'much tighter regulation of sale of alcohol and liquor licenses'⁴⁷⁰ would help to bring about a much needed shift in attitudes towards alcohol and the social acceptability of 'getting drunk and violent'. The Australian Security Industry Association also proposed 'improved liquor licensing, regulation and enforcement' in its submission.⁴⁷¹

Macedon Ranges Shire Council believes that a 'liberal liquor licensing regime and narrow licensing decision-making is directly related to the rise in community dysfunction' including 'assaults and violence'.⁴⁷² Dr Doug Lloyd, Chief Executive Officer of the Committee for Ballarat, made a similar point in his evidence to the Committee, arguing for stronger regulatory control of licensed premises in order to set boundaries in a manner that has the potential to shape the culture of drinking:

For me the fundamental question we need to address here is: 'how do we actually change the attitude and consequent behaviours of young people'? They are not going to do that spontaneously in the current environment. If they need some encouragement to do that as a result of a regulatory framework, I am all for it.... In a relatively short period of time, generationally speaking, we have gone from a very tightly regulated environment to a very unregulated environment. I actually do not think we have had the social conditioning and the social changes that would be necessary with that. It has been like opening the floodgates.⁴⁷³

Two important aspects of regulation are restrictions on trading hours and days of sale, and restrictions related to the density of licensed premise outlets.

⁴⁶⁸ Submission from Australian Drug Foundation to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

⁴⁶⁹ See for example, Submission from City of Casey to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009; Mr Paul Dillon, Director, Drug and Alcohol Research Training Australia, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Sydney, 30 November 2009.

⁴⁷⁰ Submission from Youthlaw to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

⁴⁷¹ Submission from Australian Security Industry Association Limited to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

⁴⁷² Submission from Macedon Shire Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, September 2009.

⁴⁷³ Evidence of Dr Doug Lloyd, Chief Executive Officer, Committee for Ballarat, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

Hours and days of sale restrictions

Evidence suggests that the extension of trading hours for licensed premises contributes to increases in alcohol-related problems.⁴⁷⁴ In response to this, there is considerable support for strategies that seek to reduce trading hours and days of sale in some way. Experts in the drug, alcohol, and medical fields expressed strong support for reductions in opening hours for licensed premises in their evidence to the Committee.⁴⁷⁵ Local government representatives from both Melbourne and regional areas also called for a tightening of trading hours.⁴⁷⁶

In Ballarat, Dr Jaycen Cruickshank expressed the view that restricting the opening hours of licensed premises would be the most effective way to reduce assaults in the area.⁴⁷⁷ Other members of the Ballarat community echoed this view.⁴⁷⁸

The Committee received evidence in support of lockouts that currently exist in a range of regional centres and suburbs. In Frankston the Committee was told about plans to extend an existing 2am lockout – supported by the local liquor accord – for a further 12 months.⁴⁷⁹ Ballarat also has a lockout that has been in place for a number of years, but police believe that it is set too late (3am) to be really effective in reducing ‘the number of intoxicated people around the precinct’.⁴⁸⁰ The Committee was advised that a proposal to wind back the lockout to 1am – put to accord members by Ballarat Police – is being resisted by members on the basis of their commercial interests.⁴⁸¹

⁴⁷⁴ Submission from Australian Drug Foundation to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009. See also Babor et al (2010) and Chikritzhs et al (2007).

⁴⁷⁵ For example: Evidence of Professor Ross Homel, Director, Griffith Institute for Social and Behavioural Research, Griffith University, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Teleconference, Melbourne, 9 November; Evidence of Professor Peter Cameron, Academic Director, Emergency and Trauma Centre, Alfred Hospital, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 9 November 2009.

⁴⁷⁶ Evidence of Robert Doyle, Lord Mayor, City of Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 23 November 2009; Evidence of Councillor Mark Harris, City of Ballarat, to Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁴⁷⁷ Evidence of Dr Jaycen Cruickshank, Director, Emergency Medicine, Ballarat Health Service, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁴⁷⁸ See for example, Evidence of Ms Binky Henderson, Parent Advocate, SSmart Parents, and of Dr Russell Dalton, Community Member, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁴⁷⁹ Evidence of Inspector Ron Cooke, Manager Operation Razon, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Frankston, 26 October 2010.

⁴⁸⁰ Evidence of Inspector Gerry Rudkins, Manager, Ballarat Police Service Area, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁴⁸¹ Evidence of Senior Sergeant Tim Argall, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

Other variations related to trading hours and conditions include restrictions being placed on certain beverages – specifically high alcohol content drinks such as shots, or double shot drinks – after a certain time at night, say 10.00pm;⁴⁸² or ‘the introduction of alcohol free trading periods’ throughout the night.⁴⁸³ Ballarat nightclub owner, Gary Browning, told the Committee he had put forward an unsuccessful proposal to the local liquor accord to ban the sale of shots and shooters after midnight.⁴⁸⁴

Research evidence is consistent with the views expressed by witnesses in relation to restrictions on hours and days of sales. The NDRI review found restrictions on trading days and hours of licensed premises to be one of the most readily available means of affecting alcohol availability and consequent harms. They rated this measure as having strong evidence for positive outcomes and suggested that such restrictions require minimal enforcement effort and are likely to reduce violence in and around licensed premises (Chikritzhs et al 2007; see also Table 11.2 below). Babor et al also rate restrictions on trading times as effective ‘where changes in trading hours meaningfully reduce alcohol availability or where problems such as late-night violence are specifically related to hours of sale’ (2010, p.244).

A recent Australian study provides further evidence of the positive effect of restrictions on trading hours (Jones et al 2009).⁴⁸⁵ Responding to community and police concern over alcohol-related violence in Newcastle, the NSW Liquor Administration Board imposed a range of restrictions on 14 licensed premises in and around the Newcastle CBD in March 2008. These restrictions included a winding back of trading hours for most of the premises. The study sought to evaluate the effect of these restrictions on crime in the area, and found strong evidence of a decrease in assaults following the onset of restrictions. In the year following introduction of the restrictions, an estimated 133 fewer assaults were recorded in the intervention area compared to a nearby entertainment district used as a control. The study also found no evidence of geographical or temporal displacement of assaults following the intervention (Jones et al 2009).

⁴⁸² For example: Evidence of Associate Professor John Wiggers, Director, Population Health, Hunter New England Health, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Teleconference, Melbourne, 9 November 2009; Mr Bryan de Caires, CEO, Australian Security Industry Association Limited, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Sydney, 30 November 2009.

⁴⁸³ Submission from Australian Security Industry Association Limited to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

⁴⁸⁴ Evidence of Mr Gary Browning, Nightclub owner and member Ballarat Liquor Accord, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁴⁸⁵ Professor Don Weatherburn, Director, NSW Bureau of Crime Statistics and Research, also pointed to the success of restrictions applied in Newcastle, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Sydney, 1 December 2009.

Table 11.2 Restrictions on hours and days of sale for licensed premises

Evidence for impact	✓✓
Suitable target populations	<ul style="list-style-type: none"> • All licensed premises, including hotels, taverns, nightclubs and takeaway stores • Premises particularly associated with high levels of problems
Responsible authority	<ul style="list-style-type: none"> • State/territory
Suitability for short-term	<ul style="list-style-type: none"> • High, may be applied temporarily for special events and for restrictions trial periods
Suitability for long-term Implementation	<ul style="list-style-type: none"> • High, requires minimum enforcement efforts in most cases
Likely positive outcomes	<ul style="list-style-type: none"> • Reduction in per capita consumption (especially high risk drinkers) • Reduction in violence in and around licensed premises • Reduction in alcohol-related vehicles crashes and fatalities • Reduction in acute alcohol-related harms
Possible negative outcomes	<ul style="list-style-type: none"> • May cause displacement of drinkers to unaffected premises
Potential limiting factors	<ul style="list-style-type: none"> • May be undermined by de-regulation and fair competition policy if applied differentially
Recommendations	<ul style="list-style-type: none"> • Communities and authorities striving to reduce alcohol-related harms should consider restrictions on trading hours as a primary strategy for effecting change. • Extended or later trading hours should be perceived as a privilege and subject to regular review

Note: ✓✓ indicates strong evidence for positive outcomes including substantial and/or compelling evidence of effectiveness in an Australian context.

Source: Chikritzhs et al 2007, p.186.

Restricting outlet density

Calls from local government representatives and community advocates for greater regulation of licences and reductions in the concentration of outlets were widespread.⁴⁸⁶ The Lord Mayor of Melbourne, Robert Doyle, suggested to the Committee that current problems with violence in the Melbourne CBD 'are being caused by existing hours of operation, existing patron numbers, existing concentration of venues in the city.'⁴⁸⁷ Councillor Des Hudson, from Ballarat City Council raised the question of whether a cap

⁴⁸⁶ See, for example, Evidence of Mr Geoff Cumming, Manager Compliance and Safety, Frankston City Council, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Frankston, 26 October 2009.

⁴⁸⁷ Evidence of Robert Doyle, Lord Mayor, City of Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 23 November 2009.

could be placed on the number of outlets in a given area.⁴⁸⁸ A number of submissions also called for tighter regulation of liquor licences and a reduction of outlet density.⁴⁸⁹

In relation to placing controls on outlet density, alcohol researcher Michael Livingston told the Committee that a number of states of the US have per capita caps. Licences are limited to population. Another option he canvassed was to place the burden of proof on new licensees to demonstrate that an additional premise would not increase harms, rather than on the objectors to show that it will.⁴⁹⁰

While there is strong evidence concerning the impact of outlet density on alcohol-related harms – in particular, on assaults occurring in public places – few studies have evaluated the effectiveness of measures to reduce outlet density. Due to international trends towards liberalisation of liquor licensing in recent years, there have been few examples of decreased outlet density that could be studied. However, a sharp reduction in off-premise outlets following civil unrest in parts of Los Angeles in 1992 provided one such opportunity. A study of that case by Yu et al found ‘that for every 10 per cent reduction in outlets ... assaults were reduced by 2.6 per cent’ (in Babor et al 2010, p.131).

Noting that high concentrations of outlets in high-density entertainment precincts contribute to violence and public order problems, Babor et al rate restrictions on density of licensed premises as moderately effective in reducing both consumption and harms (2010). Further, according Chikritzhs et al, ‘the potential for reducing alcohol-related harms through well-considered restrictions on the density of licensed premises...has yet to be realised’ (2007, p.190; see also Table 11.3).⁴⁹¹ They recommend that careful consideration be given by policy makers to the possible benefits of restricting the density of licensed premises through development of an appropriate model to inform planning and liquor licensing decisions (Chikritzhs et al 2007).

⁴⁸⁸ Evidence of Councillor Des Hudson, City of Ballarat, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁴⁸⁹ For example: Submission from Macedon Ranges Shire Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, September 2009; Submission from Youthlaw to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

⁴⁹⁰ Evidence of Mr Michael Livingston given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

⁴⁹¹ See Chapter 6 for a review of the evidence and discussion of the relationship between outlet density and assaults.

Table 11.3 Restrictions on outlet density of licensed premises

Evidence for impact	✓
Suitable target populations	<ul style="list-style-type: none"> All licensed premises, including hotels, taverns, nightclubs and takeaway stores
Responsible authority	<ul style="list-style-type: none"> State/territory
Suitability for short-term implementation	<ul style="list-style-type: none"> Low in relation to existing aggregate levels of premises Moderate in relation to new liquor licence applications
Suitability for long-term implementation	<ul style="list-style-type: none"> High, as requires substantial time to implement planning and policy changes to existing infrastructure
Likely positive outcomes	<ul style="list-style-type: none"> Reduction in per capita consumption Reduction in violence in and around licensed premises, and surrounding neighbourhoods
Potential limiting factors	<ul style="list-style-type: none"> Relationship of density and levels of harm vary between jurisdictions No current working model available to inform planning and liquor licensing decisions
Recommendations	<ul style="list-style-type: none"> Council planning and liquor licensing decisions should give careful consideration to the potential benefits of restricting outlet density of licensed premises

Note: ✓ indicates evidence for positive outcomes – may need ongoing substantial functional support.

Source: Chikritzhs et al 2007, p.190.

Implementing changes to trading hours and outlet density

The *Liquor Control Reform Act 1998*, which governs liquor licensing in Victoria has undergone a number of amendments to introduce measures to reduce the physical availability of alcohol. These include a freeze on late night liquor licences in a number of inner Melbourne Local Government Areas and a temporary lockout in the Melbourne CBD.⁴⁹² While many witnesses to the Inquiry see these measures as a step in the right direction, some argued that further action is needed. The Australian Drug Foundation, for instance, stated in its submission:

The ADF commends recent moves by the Victorian government to curb and contain the 24 hour, unlimited access to alcohol in Victorian licensed premises with the establishment of Responsible Alcohol Victoria, an increased focus on compliance and the introduction of risk based licensing fees. The recent curtailing of trading hours of 24-hour city centre bottle shops is also welcome. However, much more is needed.⁴⁹³

⁴⁹² These measures are discussed in more detail in Chapter 8.

⁴⁹³ Submission from Australian Drug Foundation to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, September 2009.

A number of concerns were raised in submissions and by witnesses about the adequacy of current licensing legislation to address density and trading hours issues that have been shown to impact alcohol-related harms such as violence. Particular issues raised were: the impact of National Competition Policy (NCP) on liquor licensing laws; the limited ability for local councils and communities to influence licensing decisions; and the role the Victorian Civil and Administrative Tribunal (VCAT) plays in licensing decisions.

Another issue that needs to be considered is the availability of alcohol and the density of licensed premises in cross border areas of Victoria. Whilst it may be feasible to regulate the supply of alcohol and the density of licensed outlets in most areas of Melbourne or regional Victoria, it may be more difficult to do so in regions that border New South Wales or South Australia. For example, if Victorian planning and liquor control regulations were to restrict the number of pubs or bottle shops located in Wodonga, this would not prevent a person from crossing the Murray River to take advantage of a theoretically more liberal regime in Albury. For this reason the Committee believes the Victorian Government, through COAG, should support the development of national guidelines on alcohol outlet density to address these types of cross border issues.

National competition policy and state regulation of alcohol availability

While the regulation of alcohol availability is primarily a state responsibility, NCP – implemented through an agreement signed by all Australian State and Territory governments in 1995 (Department of Treasury and Finance 2010) – has had a significant impact on the regulation of alcohol across Australia. NCP requires the federal and state governments to implement reforms to increase competition and to reduce regulation that impedes competition. In relation to the regulation and control of alcohol, the ‘National Competition Council (NCC) has specifically identified concerns regarding restrictions, in various forms, on trading hours and numbers of licensed premises’ (Chikritzhs et al 2007, p.11). State governments that have refused to deregulate aspects of the liquor industry on the grounds of harm minimisation have been penalised (Chikritzhs et al 2007).

The impact of NCP on alcohol availability has been criticised widely by researchers and organisations concerned about alcohol-related harms including violence (Zajdow 2006). For example, Chikritzhs et al argue that although there is widespread recognition that harm minimisation should be a fundamental objective of alcohol control policy, in practice this principle is undermined by conflicting national policy (2007).⁴⁹⁴ Fleming contends that the application of NCP to alcohol restricts what can effectively be achieved in relation to the policing of antisocial behaviour and alcohol-related violence (2008), while the Alcohol Policy Coalition believes that continuing to prioritise ‘market competition is likely to increase alcohol’s availability and alcohol-related problems’ (Alcohol Policy Coalition 2009b, p.4; see also Zadow 2006). The youth-based organisation Step Back Think has also expressed concern about the impact of NCP on the availability of alcohol and has called for an overhaul of NCP ‘to prioritise harm minimisation’ (Step Back Think 2010, p.1).⁴⁹⁵

⁴⁹⁴ See also, Evidence of Associate Professor Tanya Chikritzhs, National Drug Research Institute, Curtin University of Technology, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 12 April 2009.

⁴⁹⁵ See also, Evidence of Mr Jono Chase, President, Step Back Think, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

At a national level, the NPHT considered the impact of NCP on the availability of alcohol and associated harms in its recent report. Reviewing research into the link between availability and alcohol-related problems, the Taskforce:

calls into question the general assumption behind regulatory changes over the past two decades, made in accordance with National Competition Policy – that the number and type of alcohol outlets should be determined by market demand for the product, without primary consideration of the potential impact on local communities' health, economy and amenity. Widespread feedback received by the Taskforce indicates that it is time for the granting, compliance and enforcement of liquor licences to be taken more seriously by governments, licensees and enforcement agencies.

The Taskforce believes that improving liquor control laws in each state and territory is a critical element in this reassessment, including refocusing the primary objective of such laws on harm minimisation. Recognising the net benefits to the Australian community that would accrue from strengthening the public health focus of liquor control legislation it would be appropriate to exempt such regulation from the constraints of National Competition Policy (NPHT 2009, p.242).

In line with this stated position, the NPHT's 'Roadmap for Action', calls for the Commonwealth to 'Establish the public interest case to exempt liquor control legislation from the requirements of National Competition Policy' (NPHT 2009, p.244). The Federal Government's recently released response to the NPHT report notes:

The Ministerial Council on Drug Strategy considered this issue in the context of deliberations on binge drinking and concluded that National Competition Policy should not constrain licensing policy (Commonwealth Government 2010, p.90).

Nonetheless, the Alcohol Policy Coalition argues that there are continuing problems with the *Liquor Control Reform Act 1998*, which mean it is not fulfilling one of its primary aims, the reduction of alcohol-related harm (2009b).

Local input into licensing decisions

In Ballarat the Committee heard from members of local government and the community sector who are frustrated by the limited avenues available to deal with alcohol-related violence in the context of increased alcohol availability. According to community representatives, most strategies implemented by local communities are mitigations that represent a community trying to cope with a problem that ultimately requires state level intervention to solve.⁴⁹⁶ Mr John Fitzgibbon, Chair of the Ballarat Community Safety Advisory Committee, expressed concern about 'a tendency to look to the local community, in particular council, to fix things' that 'need to be combated from all levels of government [and not] just left to the local communities'.⁴⁹⁷ The regulation of liquor licences, and in particular, regulation of outlet density, location of venues, and hours of operation were

⁴⁹⁶ See, for example: Evidence of Councillor Mark Harris, Councillor, City of Ballarat, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁴⁹⁷ Evidence of Mr John Fitzgibbon, Chair, Ballarat Community Safety Advisory Committee, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

seen as the most important measures that can be taken to reduce assaults occurring in public places.⁴⁹⁸

Under current legislation, the process for obtaining a liquor licence for a new outlet is to first obtain a planning permit from the local council, then apply to the Director of Liquor Licensing for a licence. The licence application will not be considered if a planning permit has not already been granted.⁴⁹⁹ The Director of Liquor Licensing, Sue Maclellan, told the Committee that recently introduced ‘cumulative impact requirements’ in planning legislation give councils power to control outlet density. Ms Maclellan explained that councils can decide how many licensed venues and what type will be allowed under the local chapter of their planning scheme.⁵⁰⁰ Given also that provisions under the *Liquor Reform Control Act* allow for local councils (among others) to object to the granting of a liquor licence, Ms Maclellan said that local government has ample opportunities for input into the licensing process:

Local government has total input in regard to granting a licence. They have two bites at the cherry. The first is that they are obliged to tell me whether a planning permit has been issued or not for the premises, and they issue the planning permit or not. The second is: I am required to provide them with a copy of the licence application, and they are obliged to provide me with a comment and may object should they see fit.... Councils would comment to me on less than 1 per cent.⁵⁰¹

The cumulative impact requirement mentioned by the Director of Liquor Licensing refers to Clause 52.27 in the Victorian Planning Provisions.⁵⁰² Decision guidelines for Clause 52.27 state that before a planning permit application for a licensed premise is decided upon, the responsible authority must consider the impact on the amenity of the surrounding area, including the cumulative impact of any existing liquor licence and the proposed liquor licence, the hours of operation, and the number of patrons.⁵⁰³ The Director of Liquor Licensing informed the Committee that an interdepartmental committee has been set up to provide assistance and develop guidelines for councils on how to measure cumulative impact.⁵⁰⁴

Yarra City Council noted a recent successful objection to an application for increased patronage and increase hours of operation for a venue in its local government area (LGA),

⁴⁹⁸ See, for example: Evidence of Ms Carolyn Barrie, Director Community Wellbeing, City of Ballarat, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁴⁹⁹ Evidence of Ms Sue Maclellan, Director of Liquor Licensing, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 22 March 2010.

⁵⁰⁰ Evidence of Ms Sue Maclellan, Director of Liquor Licensing, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 22 March 2010.

⁵⁰¹ Evidence of Ms Sue Maclellan, Director of Liquor Licensing, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 22 March 2010.

⁵⁰² The Inner City Entertainment Precinct Taskforce was instrumental in having the cumulative impact clause added to the Victorian Planning Provisions (Submission from Yarra City Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009).

⁵⁰³ *Victorian Planning Provisions*, Clause 52.27, accessed at www.dse.vic.gov.au, 31 May 2010.

⁵⁰⁴ Evidence of Ms Sue Maclellan, Director of Liquor Licensing, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 22 March 2010.

based on Clause 52.27.⁵⁰⁵ Community Safety and Development Officer for the City of Ballarat, Ms Amanda Collins, believes the guidelines on cumulative impact being developed for councils will be valuable as a potential tool. However, she expressed concern that they may not be adequate to address the relationship between outlet density and assaults. Her view was that the tools being developed were still primarily concerned with amenity issues rather than a consideration of health or social harms.⁵⁰⁶

The Alcohol Policy Coalition is also concerned that the cumulative impact clause does not go far enough to address health and social harms. In a position statement on the physical availability of alcohol it notes that local councils often lack the capacity to assess cumulative impact, and are not well resourced to do so. Furthermore, the cumulative impact provisions do not apply to packaged liquor outlets since these do not require planning permission (Alcohol Policy Coalition 2009b).⁵⁰⁷ This exemption from the requirement to have a planning permit also means that packaged liquor outlets apply directly for a liquor licence without any prior scrutiny by local government.

The Alcohol Policy Coalition suggests that despite increasing attention paid to alcohol policy at the local government level, councils ‘report limited scope for their involvement during the liquor licensing phase’ (Alcohol Policy Coalition 2009b, p.3). Where councils do participate in the process, or object to the granting of licences, they are often frustrated by the decision-making process.

Brimbank City Council, for instance, argued in its submission that there are significant gaps in Victorian policy and regulation in relation to packaged liquor licences and that currently there is little sharing by State government of information needed by local government to assess applications for planning permits or to respond meaningfully to liquor licensing applications. This includes data on ‘the number of licensed premises, the volume of alcohol sales per licensed premises, their hours of operation and relevant socio-demographic data with local government’.⁵⁰⁸ The Council would like the State government to provide more support and guidance to local government, particularly in relation to planning approval for packaged liquor outlets.⁵⁰⁹

The grounds under which objections can be made, and by whom, are set out in Sections 40-41 of the *Liquor Control Reform Act* 1998. Any person may object on the ground of amenity (s38); the Chief Commissioner may object ‘on any grounds he or she thinks fit’ (s39); a local Council may object on the grounds of amenity, or – where the application is for a packaged liquor licence – ‘on the ground that the grant, variation or relocation [of a licence] would be conducive to or encourage the misuse or abuse of alcohol’ (s40); and a licensing inspector may object on the ground of amenity, or ‘that the grant...would be conducive to or encourage the misuse or abuse of alcohol’ (s41).⁵¹⁰ While these provisions would appear to give scope for taking into account the demonstrated link between physical

⁵⁰⁵ Submission from Yarra City Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

⁵⁰⁶ Evidence of Ms Amanda Collins, Community Safety and Development Officer, City of Ballarat, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁵⁰⁷ See also: *Victorian Planning Provisions*, Clause 52.27, accessed at www.dse.vic.gov.au, 31 May 2010.

⁵⁰⁸ Submission from Brimbank City Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, November 2009.

⁵⁰⁹ Submission from Brimbank City Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, November 2009.

⁵¹⁰ *Liquor Control Reform Act* 1998.

availability of alcohol and social harms such as violence, it seems that in practice they are limited.

Sergeant Tony Francis from the Geelong Liquor Licensing Unit explained that licensing inspectors are not able to object to a new licence on the basis of their experience and what they perceive will be the consequences of granting the licence. They find this restriction frustrating when they believe that problems will be generated by a new venue.⁵¹¹

From the local government perspective, a submission from Macedon Ranges Shire Council referred to a panel hearing held to decide an application for a packaged liquor outlet in Kyneton. The submission noted that ‘decision-makers considered that “convenience” of access to alcohol was a positive attribute to support their decision to grant the licence,’ contrary to concerns about potential harm to the community. The Council believed this is inconsistent with the goal of harm minimisation, which is one of the objects of the *Liquor Control Act 1998*.⁵¹² It contends that density quotas are applied to other services and businesses such as gaming machines, newsagencies and pharmacies, and suggests that:

It seems odd that density levels have not been set for liquor outlets and are not seriously considered by licensing panels, even though the harms are greater and the link between alcohol and serious negative impacts including assaults, street violence, family violence, accidents, mortality and high burden of disease levels are so well established.⁵¹³

Macedon Ranges Shire Council further suggested that it ‘should be required of the liquor licence applicant...to show that there will be no harm, rather than the Liquor Licensing Panel expecting the local governments to prove that there will be harm’.⁵¹⁴

The Geelong City Council Community Development Officer, Lisa Armstrong-Rowe, suggested to the Committee that the grounds for objecting to new liquor licences are too narrow and do not give the Council a sufficient basis to deal with social harms related to density.⁵¹⁵ This has led the City of Greater Geelong Council to consider the possibility of their planning processes being used to place conditions on venues, in addition to conditions that are imposed through the liquor licence. City of Greater Geelong Councillor Jan Farrell, told the Committee about plans for a workshop with planners, Victoria Police members and licensing inspectors to look at what conditions council may be able to put in place to assist police.⁵¹⁶

The Alcohol Policy Coalition sums up the current situation with regard to the potential to reduce social harms, including violence, on the basis of current legislation:

⁵¹¹ Evidence of Sergeant Tony Francis, Geelong Liquor Licensing Unit, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁵¹² See *Liquor Control Reform Act 1998*, s4 (1)(a).

⁵¹³ Submission from Macedon Ranges Shire Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, September 2009.

⁵¹⁴ Submission from Macedon Ranges Shire Council given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, September 2009.

⁵¹⁵ Evidence of Ms Lisa Armstrong-Rowe, Community Safety Officer, City of Greater Geelong, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁵¹⁶ Evidence of Councillor Jan Farrell, City of Greater Geelong, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

The Liquor Control Reform Act 1998 provides very little scope for objections to liquor licences on public health grounds. Objections to applications based on the general risk of increased harm due to the addition of a new licence are not acceptable, and generally objections are disregarded unless specific problems with the particular licence under consideration can be identified. Thus, for example, the opening of a large packaged liquor outlet in an area with high rates of alcohol problems and large numbers of pre-existing outlets cannot be objected to unless it can be demonstrated that the particular licence is likely to sell alcohol irresponsibly.

Thus, despite increasing recognition of the problems associated with the proliferation of liquor licences in Victoria, the licensing system continues to contain weaknesses that ensure that it is not achieving its aim of minimising alcohol-related harm (Alcohol Policy Coalition 2009b).

Challenges to planning and licensing decisions

In addition to the perception that the grounds for objecting to the granting of liquor licences are too narrow, there is a strong perception that attempts to curtail the continued proliferation of licensed premises is being undermined by VCAT decisions. Melbourne Lord Mayor, Robert Doyle, gave the example of the controversial Neverland Club in South Melbourne which through appeal to VCAT obtained a licence to accommodate up to 1500 people and trade until 5.00am, despite objections from Council, the Director of Liquor Licensing and the police.⁵¹⁷

In Geelong, Lisa Armstrong-Rowe raised the issue of applicants challenging council through VCAT when decisions are made to reject planning permits or liquor licences.⁵¹⁸ Councillor Jan Farrell noted the expense to Council of taking a process through VCAT. Mayor John Mitchell also expressed frustration over VCAT decisions.⁵¹⁹ In Ballarat, similar concerns were aired. For example, Councillor Cheryl Bromfield suggested that any decision to reject a planning permit for licensed premises on the grounds of social harms would be overruled by VCAT, while Dr Doug Lloyd, Committee for Ballarat, suggested that attempts by council to put some controls around licensing can be undermined when ‘someone with a lot of money’ appeals decisions through VCAT.⁵²⁰

International alcohol policy expert, Professor Robin Room, echoed community concern about the potential for VCAT decisions to undermine any steps taken to limit outlet density and associated harms. He drew the Committee’s attention to a recent VCAT hearing, held in September 2009, where a decision by the Director of Liquor Licensing to reject a packaged-liquor outlet in Werribee was overturned. Professor Room read excerpts from the hearing:

The decision by the hearing officer said:

⁵¹⁷ Evidence of Robert Doyle, Lord Mayor, City of Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 23 November 2009.

⁵¹⁸ Evidence of Ms Lisa Armstrong-Rowe, Community Safety Officer, City of Greater Geelong, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁵¹⁹ Evidence of Councillor Jan Farrell, City of Greater Geelong, and of Mayor John Mitchell, City of Greater Geelong given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁵²⁰ Evidence of Councillor Cheryl Bromfield, City of Ballarat, and of Dr Doug Lloyd, Chief Executive Officer, Committee for Ballarat, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

As I remarked earlier, it is difficult to conclude that there is a need for another outlet

– in the place that they were talking about –

*The area is dotted with liquor outlets ... But the tribunal is bound to work within the statutory framework provided to it and matters of need and demand are explicitly excluded from consideration by the enabling legislation.*⁵²¹

Professor Room added that VCAT tends to be blamed, when the wider problem is the legislation that at this point ties their hands. He urged the Committee to consider legislative change to build a stronger ‘role for local government in terms of what they perceive as the problems that are being created in the community’ and to allow ‘public health issues to be taken into consideration along with amenity’ in the licensing process.⁵²²

While commending recent amendments to Victorian liquor licensing legislation, the Australian Drug Foundation also put forward a number of recommendations in their submission, to further strengthen the regulation of licensed premises in the interests of harm minimisation. These include:

- development of national guidelines on alcohol outlet density;
- development of nationally consistent and comprehensive data collection on liquor licences and associated alcohol-related harms;
- Victoria support for the National Alcohol Sales Data project;
- increased involvement of community and local government in liquor licensing and planning;
- the reassessment of alcohol regulation within the National Competition Policy.⁵²³

Conclusion

Research supports the view widely expressed by witnesses to this Inquiry that by reducing the availability of alcohol the number of assaults in public places can be reduced. There is a range of effective policy options for doing this. Some of these require a coordinated state and federal government response to further advance the cause of reducing social harms related to excessive alcohol consumption. Others can be undertaken by the Victorian Government, as recommended by the Committee.

⁵²¹ Evidence of Professor Robin Room, Director, Centre for Alcohol Policy Research, Turning Point Drug and Alcohol Centre, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 23 November 2009.

⁵²² Evidence of Professor Robin Room, Director, Centre for Alcohol Policy Research, Turning Point Drug and Alcohol Centre, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 23 November 2009.

⁵²³ Submission from Australian Drug Foundation to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

Recommendation

The Committee recommends that the Victorian Government amend Clause 52.27 of the Victorian Planning Provisions to require packaged outlets to obtain a planning permit from the relevant local government authority. *(Recommendation 6)*

Recommendation

The Committee recommends that the Victorian Government amends Clause 52.27 of the Victorian Planning Provisions to include: ‘To ensure that the impact of the licensed premises on the health, safety and wellbeing of the community is considered’ as one of the purposes of the provision. *(Recommendation 7)*

Recommendation

The Committee recommends that the Victorian Government amend the *Liquor Control Reform Act 1998*, to:

- include protecting and improving public health and safety as a primary objective of the Act; and
- widen the grounds for objections to the granting of a liquor licence, to include social harms and harm to public health and safety. *(Recommendation 8)*

Recommendation

The Committee recommends that the Victorian Government undertake a review of the impact of the growth and nature of packaged liquor outlets on local communities with a view to regulating the density of outlets. *(Recommendation 9)*

Recommendation

The Committee recommends that the Victorian Government, through the Council of Australian Governments) COAG, supports the development of national guidelines on alcohol outlet density to address cross border issues. *(Recommendation 10)*

Recommendation

The Committee recommends that the Victorian Government enact secondary supply legislation to make it illegal for anyone other than a parent, guardian or spouse to provide alcohol to a minor in a private setting. *(Recommendation 11)*

Recommendation

The Committee recommends that, in conjunction with the enactment of secondary supply legislation, the Victorian Government develop a comprehensive communication and education campaign targeting parents and teenagers, to inform them of the change in law. *(Recommendation 12)*

Recommendation

The Committee recommends that the Victorian Government, through COAG, supports and encourages the further investigation and modelling of a tiered volumetric system of taxation for alcoholic beverages to discourage harmful consumption and promote safer consumption. *(Recommendation 36)*

Recommendation

The Committee recommends that the Victorian Government, through COAG, supports development of the public interest case for a minimum (floor) price per standard drink, to apply to all alcoholic beverages to discourage harmful consumption and promote safer consumption. *(Recommendation 37)*

12. Regulating and Modifying Drinking Environments

Introduction

The immediate drinking environment in and around licensed premises can contribute to assaults occurring. However, as described in an earlier chapter, premises vary in terms of the level of risk they present. The physical and social environment within venues, together with staff and patrons' behaviour, influence the extent to which violence is likely to occur. There is now a considerable amount of research-based knowledge concerning these factors and strategies have been developed to address them. Such strategies seek to reduce the harms associated with alcohol consumption rather than reducing consumption *per se*. Some focus on managing patrons, whilst others focus on modifying venues to improve safety.

Managing patron behaviour

In their work on preventing aggression in and around licensed premises, Graham and Homel (2008) point out that licensed settings are often associated with permissiveness and the acceptance of behaviour that would not be considered appropriate in other situations. This leads to a certain amount of 'normal trouble' that is generally expected to occur. However, normal trouble can easily escalate into more serious violence, and this is more likely to occur in venues where staff and patrons tolerate minor incidents. Strategies that set boundaries and impose standards on patron behaviour are therefore important for reducing the incidence of assaults associated with licensed premises. Strategies for managing patron behaviour within licensed premises focus on two key areas: firstly, on controlling patrons' levels of intoxication, and secondly, on managing conflict and aggression among them.

Controlling intoxication through responsible serving of alcohol (RSA) training

As Graham and Homel (2008) explain, people drink alcohol primarily because of the positive or pleasurable effects of alcohol consumption and its role in socialising. However, as consumption levels increase and intoxication increases, the balance between positive and negative effects shifts and the likelihood of aggression increases. Venues with a high proportion of intoxicated patrons therefore have higher risk for incidents of violence. In response, a range of server training programs designed to prevent the sale of alcohol to people who are intoxicated have been introduced in Australia and elsewhere.

Research evidence in relation to such programs, however, has not found them to be particularly effective. Babor et al, in their comprehensive review of strategies for reducing alcohol-related harm, rate staff training and house policies relating to responsible beverage service (RBS)⁵²⁴ as having limited effectiveness on their own. They did find, though, that training staff and managers in how to better manage aggressive patrons and enhancing

⁵²⁴ In Victoria, the term Responsible Serving of Alcohol (RSA) is used to refer to training programs that in other places are often referred to by the term Responsible Beverage Service (RBS). The two terms are essentially interchangeable.

enforcement of on-premise laws and legal requirements were moderately effective (2010, p.244). Similarly, Chikritzhs et al rate RBS on its own as having no reliable positive effect on alcohol consumption or related harms, but when backed by enforcement there is evidence for positive outcomes (2007, p.195).⁵²⁵ See Table 12.1 for a summary of Chikritzhs et al’s assessment of RBS as a strategy for reducing alcohol-related harms.

Table 12.1 Responsible beverage service practices

Evidence for impact	with enforcement ✓ without enforcement X
Suitable target populations	<ul style="list-style-type: none"> • All licensed premises, including hotels, taverns, nightclubs and takeaway stores • Premises particularly associated with high levels of problems
Responsible authority	<ul style="list-style-type: none"> • State/territory
Suitability for short-term implementation	<ul style="list-style-type: none"> • Low, as requires on-going support and enforcement to establish deterrence and maintain effect
Suitability for long-term implementation	<ul style="list-style-type: none"> • High, but initiatives must be evidence based, mandatory, responsive to changing community needs, adequately resourced and enforced
Likely positive outcomes	<ul style="list-style-type: none"> • Reduction in per capita consumption • Reduction in violence in and around licensed premises • Reduction in alcohol-related vehicle crashes and fatalities • Reduction in alcohol-related injuries and harms among young people
Possible negative outcomes	<ul style="list-style-type: none"> • Enforcement less likely if RBS implemented on voluntary basis • May generate false impression that RBS is effective and focus attention away from newly emerging problems
Potential limiting factors	<ul style="list-style-type: none"> • Reduced effectiveness when not adequately enforced • Failure to generate community support • Insufficient human and financial resources
Recommendations	<ul style="list-style-type: none"> • Is not in itself a satisfactory approach to reducing alcohol consumption and harms and should serve only as a support to more effective restrictions

Notes: ✓ Evidence for positive outcomes – may need ongoing substantial functional support.

X Evidence repeatedly indicates absence of reliable positive effect of restriction on alcohol consumption and/or alcohol-related harms. In some instances, there may be evidence of counter-productive outcomes.

Source: Chikritzhs et al 2007, p. 195.

⁵²⁵ See Chapter 7 of this Report.

Two New South Wales survey based studies of patrons' experiences of responsible serving practice shed some light on why such programs have shown limited effectiveness to date. The initial study, conducted in 2002, found that only a small percentage of drinkers who self-reported one or more signs of intoxication were subject to attempts by staff to limit their consumption of alcohol. Even for those reporting:

three or more signs of intoxication, less than four per cent were refused service and only about six per cent were asked to leave the premises. The most common response of licensed premises staff was to continue serving alcohol (Donnelly & Briscoe 2002, p.13).

A replication of the research, carried out four years later, noted some improvement. It found an increase in the number of intoxicated patrons⁵²⁶ being refused further alcohol or receiving some other RSA intervention.⁵²⁷ One in 10 intoxicated patrons in the 2002 survey reported RSA interventions compared with one in four in 2006 (Scott et al 2007). The authors note that there is still considerable room for improvement, as approximately half the patrons who self-reported showing three or more signs of intoxication said they continued to be served. Scott et al recommend that policy initiatives designed to encourage responsible serving of alcohol be continued and expanded (2007).

RSA as currently operating in Victoria

In Victoria it is an offence to serve alcohol to patrons who are intoxicated, or to allow drunken or disorderly persons to enter or remain on the premises. The goal of server training programs is to ensure that venue staff have the knowledge and skills to recognise the signs of intoxication and to refuse service to those who are intoxicated. RSA training programs approved by the Director of Liquor Licensing have been available in Victoria since 2002. However, while all licensed premises are required by law to serve alcohol responsibly, the requirement for staff to undergo RSA training is currently only mandatory for managers and staff working in packaged liquor outlets, and in venues from other licence categories (such as certain categories of late night or risky venues) if specifically stipulated by the Director of Liquor Licensing in the venue's liquor licence.⁵²⁸

Where it is a condition of the liquor licence that staff be RSA trained, the training must be through an approved course provided by a registered training organisation. Approved courses involve a 3.5-hour face-to-face program that covers the following topics:

- Problems associated with excessive consumption
- Alcohol and the law
- The question of who is responsible for RSA
- Facts about alcohol
- Improving the atmosphere of your premises
- Handling difficult customers (Department of Justice 2010f).

⁵²⁶ Defined as those who self-reported showing three or more signs of intoxications.

⁵²⁷ Other possible RSA interventions listed in the survey included: they [bar staff] asked me to leave the premises; they called the police; they advised me or organised transport home; they suggested I buy low- or non-alcoholic drinks; they suggested that I buy some food; they suggested that I stop drinking. The final alternative was that they continued to serve me alcoholic drinks.

⁵²⁸ See Chapter 8 for further discussion of RSA in relation to RSA training as a condition on some liquor licences.

Managers and staff working in Packaged Liquor outlets are required to update their knowledge annually and bi-annually respectively, by completing an online refresher RSA course. The online refresher course is available through the Department of Justice website, and includes lessons on the following five topics:

- Facts about alcohol
- Intoxication
- Underage and alcohol
- Duty of Care
- Refusal of Service (Liquor Licensing Victoria 2010).

Liquor Licensing Victoria estimates that completion of the online refresher course will take approximately one hour. After working through the lessons, users complete an online test comprising 15 randomly selected, multiple-choice questions. After answering at least 12 questions correctly, a Letter of Acknowledgement can be printed and attached to the Responsible Serving of Alcohol Certificate as evidence of successful completion of the refresher course (Liquor Licensing Victoria 2010).

The Committee received extensive evidence in relation to RSA requirements and how these currently operate in Victoria. Whilst there was general agreement that RSA training is an important strategy for dealing with alcohol-related violence,⁵²⁹ concerns were also raised in relation to the adequacy of current Victorian RSA requirements and training.

Identified problems

A number of issues were identified in relation to applying RSA policies within venues. These included:

- the difficulty that staff, particularly those that are younger or inexperienced, may have in identifying intoxicated patrons;⁵³⁰
- the difficulty of monitoring patrons and applying RSA in very large venues with 750 or more patrons;⁵³¹ and
- the difficulty of monitoring situations where people buy drinks for their intoxicated friends;

⁵²⁹ See Evidence of Mr Michael Livingston given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009; Evidence of Professor Robin Room, Director, Centre for Alcohol Policy Research, Turning Point Drug and Alcohol Centre, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 23 November 2009.

⁵³⁰ Evidence of Ms Amanda Collins, Community Safety Planning Officer, City of Ballarat; of Dr Doug Lloyd, Chief Executive Officer, Committee for Ballarat; and of Dr Jaycen Cruickshank, Director, Emergency Medicine, Ballarat Health Service, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁵³¹ Evidence of Professor Robin Room, Director, Centre for Alcohol Policy Research, Turning Point Drug and Alcohol Centre, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 23 November 2009.

- the difficulty that younger or inexperienced staff may have refusing service or entry to patrons, particularly if they become confrontational;⁵³²
- the problem of patrons arriving at a venue already in a state of intoxication;⁵³³
- ejecting intoxicated, angry patrons from premises may contribute to assaults occurring in the street;⁵³⁴
- there is a financial incentive for some bar owners not to adhere to RSA;⁵³⁵ and
- not all staff are required to be RSA trained.⁵³⁶

The short length of the current RSA training was seen as inadequate for training staff to identify intoxicated patrons; develop the skills needed to refuse entry or service; or to deal with confrontational patrons.⁵³⁷ Melbourne venue owner, Mr Michael Delany, suggested that the course is tokenistic and too short. He questioned whether those completing the course were taking the information on board.⁵³⁸ Mr Vernon Chalker, another venue owner, suggested also that the current on-line refresher course is inadequate.⁵³⁹

Suggested improvements to RSA

Witnesses to the Inquiry made a range of suggestions as to how RSA could be improved.

Improved RSA training

Mr Kearney, from the Australian Hotels Association (AHA), told the Committee about the role the AHA has played in the development of RSA training. In partnership with William Angliss Institute of TAFE, the AHA is one of the biggest providers of this training. Mr Kearney stated that whilst there has been a high level of participation in RSA training

⁵³² Evidence of Councillor Samantha McIntosh, City of Ballarat, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009; Evidence of Mr Michael Delaney, Venue owner and Association of Liquor Licensees Melbourne member, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

⁵³³ Evidence of Mr John Fitzgibbon, Chair, Ballarat Community Safety Advisory Committee, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁵³⁴ Evidence of Councillor Samantha McIntosh, City of Ballarat, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁵³⁵ Evidence of Ms Lisa Armstrong-Rowe, Community Safety Officer, City of Greater Geelong, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009; Evidence of Senior Sergeant Argall, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁵³⁶ Evidence of Mr Brian Kearney, Chief Executive Officer, Australian Hotels Association – Victoria, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

⁵³⁷ Evidence of Mr John Fitzgibbon, Chair, Ballarat Community Safety Advisory Committee, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁵³⁸ Evidence of Mr Michael Delaney, Venue owner and Association of Liquor Licensees Melbourne member, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

⁵³⁹ Evidence of Mr Vernon Chalker, President, Association of Liquor Licensees Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

despite this training being optional for many venues, the AHA supports moving to a compulsory system. The AHA also supports the introduction of a two-stage training process, with a basic course for low-risk venues and an advanced course for high-risk venues.⁵⁴⁰

Other witnesses also talked about expanding the current RSA training. Ms Colleen Lazenby from Melbourne City Council, for instance, suggested that a more comprehensive RSA training program was needed to address violence.⁵⁴¹

The importance of including a component of training focused on managing difficult, confrontational situations was raised frequently.⁵⁴² Mr Simon Pratt, venue owner and member of the Stonnington Accord, supported the idea of ongoing training for all staff – bar staff, security, and managers – with the inclusion of topics such as negotiation and conflict resolution.⁵⁴³ Professor Robin Room agreed that training door and bar staff in conflict minimisation is a good idea, noting that this type of training has been found to work in reducing violence.⁵⁴⁴ Mr Pratt also suggested broadening the focus of RSA training to include drug-related issues, such as how to identify and respond appropriately to drug use amongst patrons.⁵⁴⁵

The need for a RSA monitor

It was also suggested to the Committee that providing an RSA monitor, marshal or supervisor in late-night and high-risk venues would assist in reducing violence. The RSA monitor would be a dedicated staff member whose job would be to monitor the bar area and patrons, look out for and address problem behaviour, and ensure that intoxicated patrons are not served. The RSA monitor would not have other roles or duties; for instance, they would not be directly involved in serving alcohol.⁵⁴⁶ They would be clearly identifiable as an RSA monitor, providing a gatekeeper role and assisting staff to apply

⁵⁴⁰ Evidence of Mr Brian Kearney, Chief Executive Officer, Australian Hotels Association – Victoria, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

⁵⁴¹ Evidence of Ms Colleen Lazenby, Manager, Community Safety and Wellbeing, City of Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

⁵⁴² Evidence of Councillor Samantha McIntosh, City of Ballarat, and of Mr Gary Browning, Nightclub owner and member Ballarat Liquor Accord, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009; and of Robert Doyle, Lord Mayor, City of Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 23 November 2009;

⁵⁴³ Evidence of Mr Simon Pratt, Venue owner and Stonnington Accord member, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009. See also: Evidence of Ms Karen Watson, Manager Corporate and Community Planning, City of Stonnington, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

⁵⁴⁴ Evidence of Professor Robin Room, Director, Centre for Alcohol Policy Research, Turning Point Drug and Alcohol Centre, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 23 November 2009.

⁵⁴⁵ Evidence of Mr Simon Pratt, Venue owner and Stonnington Accord member, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

⁵⁴⁶ Evidence of Inspector Clive Rust, Stonnington Accord and Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

RSA.⁵⁴⁷ This concept was widely supported by witnesses to the Inquiry.⁵⁴⁸ Dr Russell Dalton considers this a very good idea as it would provide support for younger, often female, bar staff who may feel pressured to serve intoxicated patrons.⁵⁴⁹

RSA monitors have already been tried in some places. Mr Bryan de Caires, from the Australian Security Industry Association, said that better establishments already use monitors to oversight patrons and bar staff to ensure that intoxicated patrons are not served.⁵⁵⁰ RSA monitors (called RSA marshals) are currently being used in Newcastle, where their role is to monitor and observe the bar area, to ask intoxicated patron to leave, and to ensure that intoxicated patrons are not served further drinks.⁵⁵¹ RSA monitors, wearing identifying vests, were also trialled at hotels in Torquay and Lorne during the 2008 Schoolies Week. Initiatives that were put in place to manage Schoolies, including the RSA monitors, received positive feedback.⁵⁵² RSA monitors have also been introduced as part of the Stonnington Accord. One of their tasks is to maintain an incidents register to record entry refusals or other incidents involving patrons.⁵⁵³

Introduction of a blood alcohol content (BAC) level

Some Inquiry participants suggested the introduction of a specific BAC level to help overcome the problem bar staff have in assessing intoxication. Mr Steve Medcraft from VOCAL proposed a BAC of 0.08 for entry to and service at venues, with breathalysers being used to screen entry and to ascertain a person's level of intoxication when purchasing drinks at the bar.⁵⁵⁴ Similarly, Dr Jaycen Cruickshank suggested that the introduction of a specified BAC level would take the subjective judgement out of the process, as has been the case in relation to driving. He suggested that a BAC of 0.1 might

⁵⁴⁷ See, for example, Evidence of Ms Karen Watson, Manager Corporate and Community Planning, City of Stonnington, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009; Evidence of Mr Paul Briody, Community Member, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁵⁴⁸ See, for example, Evidence of Ms Amanda Collins, Community Safety Planning Officer, City of Ballarat, and of Mr John Fitzgibbon, Chair, Ballarat Community Safety Advisory Committee, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁵⁴⁹ Evidence of Dr Russell Dalton, Community Member, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁵⁵⁰ Mr Bryan de Caires, Chief Executive Officer, Australian Security Industry Association Limited, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Sydney, 30 November 2009.

⁵⁵¹ Evidence of Associate Professor John Wiggers, Director, Population Health, Hunter New England Health, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Teleconference, Melbourne, 9 November 2009. See also Evidence of Dr Darren Palmer, Chair, Drug Action Committee, Deakin University, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁵⁵² Evidence of Ms Lisa Armstrong-Rowe, Community Safety Officer, City of Greater Geelong, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁵⁵³ Evidence of Mr Simon Pratt, Venue owner and Stonnington Accord member, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

⁵⁵⁴ Evidence of Mr Steve Medcraft, Member, Victims of Crime Advocacy League, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

be appropriate.⁵⁵⁵ However, Graham and Homel (2008) note two Australian studies, one carried out in Sydney and the other in Queensland, where the provision of breathalysers for self-testing was actually associated with increased risk for aggression. In these cases it seems that self-testing encouraged some patrons to compete on obtaining higher BAC readings. Nonetheless, some establishments in Australia have continued to provide self-testing devices, capping the breathalyser reading at 0.10, so as not to encourage drinking competitions (Graham & Homel 2008).

Enhanced enforcement of RSA

There is a need for better enforcement of RSA in the case of packaged outlets. Inspector Ron Cooke from Frankston was particularly concerned about the difficulty young staff at outlets have in saying ‘no’ when parents come in to buy alcohol for their children.⁵⁵⁶ Better training and stronger enforcement would assist staff to resist pressure from customers.

Professor Robin Room suggested that for enforcement to be effective it must be accompanied by a credible threat of sanctions for those who breach the rules.⁵⁵⁷ He was also supportive and optimistic about recent initiatives by the Victorian Government, which include both enhanced enforcement through establishment of the Compliance Directorate, and increased penalties for RSA breaches.⁵⁵⁸

The role of security staff in managing patron behaviour

The role security staff play in managing patron behaviour is important. Security staff are responsible for refusing entry to premises or removing intoxicated and disorderly patrons from premises. As a number of witnesses pointed out, these situations can precipitate anger and aggressive behaviour on the part of patrons.⁵⁵⁹ Security staff need to be able to deal with these situations in a manner that does not exacerbate conflict.

Venue owners/managers and security staff can actually contribute to aggression and violence in and around licensed premises through their policies and practices. Arbitrary entry policies based on a person’s appearance, or other irrelevant characteristics of patrons,

⁵⁵⁵ Evidence of Dr Jaycen Cruickshank, Director, Emergency Medicine, Ballarat Health Service, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁵⁵⁶ Evidence of Chief Inspector Ron Cooke, Manager, Frankston Police Service Area, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Frankston, 26 October 2009.

⁵⁵⁷ Evidence of Professor Robin Room, Director, Centre for Alcohol Policy Research, Turning Point Drug and Alcohol Centre, to Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 23 November 2009. Mr Michael Livingston also referred to the importance of enforcement in relation to RSA, in Evidence given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

⁵⁵⁸ The establishment and operations of the new Compliance Directorate are described in Chapter 8. In relation to increased penalties for RSA breaches, see Evidence of Ms Julianne Brennan, Director, Responsible Alcohol Victoria, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

⁵⁵⁹ See, for example, Evidence of Mr Michael Delaney, Venue owner and Association of Liquor Licensees Melbourne member, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009; Mr Bryan de Caires, Chief Executive Officer, Australian Security Industry Association Limited, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Sydney, 30 November 2009.

can generate problems.⁵⁶⁰ Mr Bryan de Caires, CEO of the Australian Security Industry Association, raised the issues of low ratios of security staff to patrons, and owners or managers who overrule security staff decisions – such as refusing entry to intoxicated patrons.⁵⁶¹ Concern was also expressed about security staff who behave aggressively themselves, with the suggestion that the industry often attracts people who are aggressive and unsuited to the position.⁵⁶² According to Mr Jono Chase from Step Back Think, some security staff ‘feel it is their job to be aggressive, scary males’,⁵⁶³ whilst Chief Inspector Rust from Stonnington informed the Committee of problems with security staff actually committing assaults, and attempts by organised crime to infiltrate the industry.⁵⁶⁴ Incompetent security staff, even if they mean well, can also contribute to increased danger in the licensed environment.⁵⁶⁵ The difficulty the security industry faces in attracting high quality people, particularly in light of the low pay rates for security staff, exacerbates these problems.⁵⁶⁶

In relation to improving the effectiveness of security staff in reducing assaults, the following suggestions have been made:

- more comprehensive training of security staff, including training in conflict resolution skills;⁵⁶⁷
- better regulation of the industry, including registration of individuals and organisations providing security services;⁵⁶⁸

⁵⁶⁰ See, for example, Evidence of Robert Doyle, Lord Mayor, City of Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 23 November 2009.

⁵⁶¹ Mr Bryan de Caires, Chief Executive Officer, Australian Security Industry Association Limited, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Sydney, 30 November 2009.

⁵⁶² See Evidence of Professor Peter Cameron, Academic Director, Emergency and Trauma Centre, Alfred Hospital, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 9 November 2009; Evidence of Mr Michael Livingston, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

⁵⁶³ Evidence of Mr Jono Chase, President, Step Back Think, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

⁵⁶⁴ Evidence of Inspector Clive Rust, Stonnington Accord and Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

⁵⁶⁵ Evidence of Mr Bryan de Caires, Chief Executive Officer, Australian Security Industry Association Limited, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Sydney, 30 November 2009.

⁵⁶⁶ Evidence of Mr Bryan de Caires, Chief Executive Officer, Australian Security Industry Association Limited, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Sydney, 30 November 2009.

⁵⁶⁷ See, for example, Evidence of Professor Don Weatherburn, Director, NSW Bureau of Crime Statistics and Research, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Sydney, 1 December 2009; Evidence of Senior Sergeant Tim Argall, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁵⁶⁸ See, for example, Evidence of Mr Jono Chase, President, Step Back Think, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009; Evidence of Professor Peter Cameron, Academic Director, Emergency and Trauma Centre, Alfred Hospital, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 9 November 2009.

- the requirement for venues to maintain an incident register that records details of any incidents including the names of staff involved;⁵⁶⁹
- a dress code for security staff, which could take the form of a standardised uniform;⁵⁷⁰
- the use of female security staff or male/female teams so as to increase the use of negotiation skills to resolve issues and; and⁵⁷¹
- RSA for security staff.

Security staff training

The training of security staff as a strategy for reducing alcohol-related violence is supported by research evidence. The *Safer Bars* program developed in Canada contains a strong component of training for both bar and security staff, and has been found to reduce incidents of aggression in large-scale, randomised controlled trials (Graham & Homel 2008). The *Safer Bars* program involves three major components: a training program for all staff; a risk assessment workbook for venue owners/managers; and a pamphlet outlining the legal responsibilities of staff and management to prevent violence. Importantly, the three-hour training component focuses heavily on strategies for managing aggression and problem behaviours. It covers six broad areas related to this focus:

1. *Understanding how aggression escalates*: for example, recognising the early warning signs of trouble in order to intervene early, understanding that all bar staff (not just security staff) have a role in spotting potential conflict and preventing aggression.
2. *Assessing the situation*: for example, planning ahead to coordinate responses to problems, recognising the importance of having backup.
3. *Keeping cool (that is, not losing one's temper)*: for example, knowing the types of people and situations that trigger one's anger, using teamwork to prevent a staff member from losing his or her temper with a patron.
4. *Understanding and using effective body language (non-verbal techniques)*: for example, using body language to de-escalate situations.
5. *Responding to problem situations*: for example, focusing on resolving the immediate situation, using techniques such as giving clear options and avoiding humiliating the person.
6. *Legal issues*: for example, knowing legal obligations and restrictions (Graham & Homel 2008, p.198)

Graham and Homel (2008) note that evaluation of the training component of *Safer Bars*, found extremely positive reactions from participants, with 98 per cent saying they would recommend the training to others.

⁵⁶⁹ Evidence of Professor Ross Homel, Director, Griffith Institute for Social and Behavioural Research, Griffith University, to Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Teleconference, Melbourne, 9 November 2009.

⁵⁷⁰ See, for example, Evidence of Robert Doyle, Lord Mayor, City of Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 23 November 2009; Evidence of Mr Jono Chase, President, Step Back Think, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

⁵⁷¹ Evidence of Mr Simon Pratt, Venue owner and Stonnington Accord member, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009; Mr Bryan de Caires, Chief Executive Officer, Australian Security Industry Association Limited, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Sydney, 30 November 2009.

Babor et al (2010) also note the effectiveness of the *Safe Bars* program in their review of a range of training programs developed and implemented in various countries. In addition to *Safer Bars*, they reviewed the Tackling Alcohol-related Street Crime (TASC) project from Cardiff, Wales; community projects implemented in Queensland, and the Stockholm Prevents Alcohol and Drug Problems (STAD).⁵⁷² The Queensland projects and the STAD program were also found to result in reductions in aggression (Babor et al 2010). In sum, Babor et al conclude that quality staff training in the management of problem behaviour is a moderately effective strategy for reducing aggression.

Training and regulation of security staff in Victoria

Throughout the Inquiry there was considerable concern expressed by witnesses in relation to the current level and adequacy of training and regulation of security staff in Victoria. Of particular concern to the Committee was Mr Bryan de Caires' evidence suggesting that in Victoria in-house security staff are not required to be licensed, while security staff employed through private security companies are.⁵⁷³ However, the Committee also received evidence about recent changes and improvements in this area, outlined below, which have removed this anomaly.

Victoria Police's Licensing Services Division (LSD) regulates the private security industry and is responsible for:

- Issuing private security licences and registration
- Renewal of private security licences and registration
- Monitoring private security licence and registration holders
- Approval of training
- Accreditation of training organisations (Victoria Police 2010b).

The private security industry in Victoria is regulated by the *Private Security Act 2004*, which:

specifies that an applicant for a private security individual operator licence must have successfully completed any approved training requirements or has the experience or training approved by the Chief Commissioner as relevant to each activity or any aspect of each such activity that a person is authorised to carry on under the licence (Victoria Police 2010c).

Assistant Commissioner Stephen Fontana noted that the standard of security industry training has been recognised as a problem at the Council of Australian Governments (COAG), and advised the Committee that training requirements for security staff, including crowd controllers, were reviewed in 2009.⁵⁷⁴ The review involved an audit of all Registered Training Organisations (RTOs) that provided training for the private security

⁵⁷² See also discussion in Chapter 15.

⁵⁷³ Mr Bryan de Caires, Chief Executive Officer, Australian Security Industry Association Limited, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Sydney, 30 November 2009.

⁵⁷⁴ Evidence of Assistant Commissioner Stephen Fontana, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

industry. From the first round of 18 audits, carried out in August 2009, nine RTOs ceased providing training, either voluntarily or by having their registration revoked.⁵⁷⁵

The content of training was also reviewed, and as of 1 January 2010 a new training package came into place in Victoria.⁵⁷⁶ The training competencies for Certificate II – Crowd Control, required under the new training package, are listed in Table 12.2.

Table 12.2 Training Competencies for Certificate II – Crowd Control

<ul style="list-style-type: none">• Apply security procedures for the responsible service of alcohol• Communicate effectively in the security industry• Follow workplace safety procedures in the security industry• Work effectively in the security industry• Respond to security risk situation• Work as part of a security team• Provide security services to clients• Protect safety of persons• Control access to and exit from premises• Monitor and control individual and crowd behaviour• Operate basic security equipment• Protect self and others using basic defensive tactics• Manage conflict through negotiation• Prepare and present security documentation and reports• Control persons using empty hand techniques• Plan & conduct evacuation of premises• Apply first aid

Source: Victoria Police 2010f, Training Competencies CPP07, Licensing Services Division.

Anyone applying for a Private Security Individual Operator Licence to work as a crowd controller now needs to have undertaken training offered by an RTO, which covers the competencies listed in Table 12.1. It is an offence to work as a crowd controller without holding a current licence (Victoria Police 2010d). The Licensing Services Division of Victoria Police also plans to introduce mandatory renewal training for crowd controllers and other security workers from 1 January 2011. This is to ‘ensure continuous improvement and updating of skills and knowledge of individual license holders’ (Victoria Police 2010e).

It is important that these changes to the training and licensing requirement for security staff be evaluated once they have been in place long enough to assess their effectiveness.

⁵⁷⁵ Evidence of Assistant Commissioner Stephen Fontana, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

⁵⁷⁶ Evidence of Assistant Commissioner Stephen Fontana, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

Working cooperatively to improve the effectiveness of security staff

Witnesses suggested a range of other changes, in addition to better training, to enhance the role of security staff in managing patron behaviour. In Geelong the Committee was informed of a cooperative approach between police, licensees and the security industry that has seen changes in the way security staff dress and work. Police from the Geelong Liquor Licensing Unit have established an Accord with the security industry and meet with crowd controllers once a month to discuss issues related to their role.⁵⁷⁷ Appropriate and effective ways to deal with people and manage problem behaviour are addressed, and crowd controllers are encouraged to sign an undertaking to abide by a code of conduct drawn up by the Licensing Services Division in Melbourne.⁵⁷⁸ Licensing Inspector Barry Malloch explained the shift that had taken place since police started meeting and working with the security industry:

... a few years ago we had everybody dressed like Mr T or in Mafia outfits standing at the doors ... We have changed the way they are thinking, the way they are being trained.... We have them in once a month to talk to them and now we are going away from the clothing they were wearing to fluoro tops so they can be seen in the darker rooms. They are working with us too. A lot of our assaults were at the front of the licensed premises and a lot of them have stopped now, [because of] the way they are conducting their business.⁵⁷⁹

In summary, managing the behaviour of patrons through RSA and through appropriate interventions by security staff is an essential component of dealing with alcohol-related violence and aggression in and around licensed premises. The Committee sees the implementation of the Compliance Inspectorate and increased penalties for RSA breaches as positive moves to improve the effectiveness of RSA provisions. It is also supportive of recent changes to the training requirements and registration of crowd controllers. However, the Committee believes further improvement to RSA would add to the positive measures that have already been taken in these areas.

Modifying patron behaviour through surveillance

The surveillance of patrons using technologies such as closed-circuit televisions (CCTV), ID scanners and two-way radio communication systems is becoming more widespread and popular as another approach to modifying patron behaviour.

While the ability to deter crime is a common reason given for the installation of CCTV surveillance, the main contribution of this technology is more likely to be an increased likelihood that perpetrators of crimes such as assaults can be identified and apprehended.⁵⁸⁰

⁵⁷⁷ Evidence of Inspector Barry Malloch, Licensing Inspector, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁵⁷⁸ Evidence of Senior Constable David Campbell, Geelong Liquor Licensing Unit, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009; Evidence of Sergeant Tony Francis, Geelong Liquor Licensing Unit, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁵⁷⁹ Evidence of Inspector Barry Malloch, Licensing Inspector, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁵⁸⁰ Evidence of Ms Sue Maclellan, Director of Liquor Licensing, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 22 March 2010.

Nonetheless, many licensees install cameras in an attempt to modify patron behaviour. The Director of Liquor Licensing can also make the installation of security cameras a specific condition of a liquor licence. Where such a condition is in place, the quality, positioning and operating standards of the system installed must meet certain requirements, and the images must be made available for immediate viewing or removal by the police when requested (Department of Justice 2010g). Whether legally required or by choice, many venue owners have installed CCTV cameras as a security measure.⁵⁸¹

ID scanners are used at the entrance to venues to identify patrons, in order to ensure that underage drinkers are prevented from entering and to provide a record of patrons to assist in identification of offenders when trouble erupts. A number of different ID scanning systems are available in Australia.⁵⁸² A system introduced by many nightclubs throughout Australia, and in use in a number of nightclubs in Geelong, simultaneously takes a photo of patrons while scanning their ID (driver's licence or some other form of identification). It also detects duplicate or forged IDs, and contains features that protect the privacy of patrons.⁵⁸³ The Director of Liquor Licensing has not made ID scanning a condition of any Victorian liquor licences, however a number of venues throughout the state have introduced scanning systems. Two-way radio communication is another technology used to enhance the effectiveness of surveillance systems in managing patron behaviour.

Several witnesses told the Committee about their experiences in using one or more of these technologies. In Ballarat, venue owner Mr Gary Browning has introduced ID scanners into one of his nightclubs and claims that it has had a dramatic effect on problem behaviour. He told the Committee that by slowing down entry into the venue, staff found it easier to identify people who are already intoxicated. Those that are found to be intoxicated are more cooperative when asked to leave, and the proportion of female patrons in his club has increased since the introduction of scanning.⁵⁸⁴

According to Inspector Rust, the installation of ID scanning systems in four of the largest venues in Stonnington has had a very positive effect in terms of being able to identify offenders.⁵⁸⁵ The trialling of two-way radio communication between venues in Chapel Street (Stonnington) has also been beneficial.⁵⁸⁶

In Geelong, the development of a linked system combining CCTV camera surveillance, ID scanning and two-way radio communication has been developed.⁵⁸⁷ Police, venue owners

⁵⁸¹ The installation of CCTV cameras in entertainment precincts and other activity nodes by local government is discussed in more detail in the following chapter.

⁵⁸² Evidence of Ms Sue Maclellan, Director of Liquor Licensing, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 22 March 2010.

⁵⁸³ Evidence of Mr Peter Perrett, Chief Executive Officer, ID-Tech Pty Ltd, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁵⁸⁴ Evidence of Mr Gary Browning, Nightclub owner and member Ballarat Liquor Accord, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁵⁸⁵ Evidence of Inspector Clive Rust, Stonnington Accord and Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

⁵⁸⁶ Evidence of Mr Simon Pratt, Venue owner and Stonnington Accord member, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

⁵⁸⁷ Evidence of Ms Sue Maclellan, Director of Liquor Licensing, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 22 March 2010.

and local government believe that this coordinated approach to managing patron behaviour is having a positive effect in reducing antisocial behaviour and assaults in Geelong's late-night entertainment precinct.⁵⁸⁸ Venue owner Mr Mario Gregorio informed the Committee that since installing ID scanning at his nightclub two years ago he has seen an increase in patronage which he attributes to the increased feeling of safety for patrons.⁵⁸⁹ Mr Peter Perrett from ID-Tech, a company that has installed many ID scanning systems throughout Australia and most of those in operation in Geelong, said that ID scanning has a calming effect on venues. He stated that one Geelong nightclub had increased its female patronage from 24 per cent to 49 per cent in five weeks following the introduction of ID scanning.⁵⁹⁰

The coordinated use of CCTV, ID scanning and two-way radio communication between police and venues in Geelong has increased the effectiveness of bans placed on problem patrons.⁵⁹¹ Police can impose banning notices on patrons, as can the members of the Geelong Liquor Accord.⁵⁹² When an individual is refused entry or ejected from a venue for being intoxicated or quarrelsome, this information is instantly communicated to other venues that are linked to the system.⁵⁹³ Likewise, if the police ban a person from the entertainment precinct, venues are aware within seconds and know to refuse entry to that person.⁵⁹⁴ Mr Gregorio noted the effect on an individual's social life if they cannot get into venues with their friends.⁵⁹⁵ Sergeant Tony Francis agreed, telling the Committee that some banned patrons have broken down in tears when they realised the consequence of the ban. He also suggested that the overall effect of the system would be to change the culture among nightlife patrons. He stated: 'It will change the culture out on our streets, once that starts getting around; and the courts are now supporting our exclusion orders. That is starting to change the street behaviour'.⁵⁹⁶

Research into the effectiveness of surveillance strategies for reducing violence in the licensed environment is limited. Graham and Homel (2008) cite some research evidence that has demonstrated positive results for CCTV cameras in general, but conclude that

⁵⁸⁸ See, for example, Evidence of Mr Mario Gregorio, Venue owner and member Geelong Nightlife Association, and of Mr John Frame, Chair, Geelong Safety Committee, and of Sergeant Tony Francis, Geelong Liquor Licensing Unit, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁵⁸⁹ Evidence of Mr Mario Gregorio, Venue owner and member Geelong Nightlife Association, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁵⁹⁰ Evidence of Mr Peter Perrett, CEO, ID-Tech, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁵⁹¹ Evidence of Mr John Frame, Chair, Geelong Safety Committee, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁵⁹² See discussion below concerning Liquor Accords and the provisions for liquor accord bans to be placed on individuals.

⁵⁹³ Evidence of Mr John Frame, Chair, Geelong Safety Committee, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁵⁹⁴ Evidence of Sergeant Tony Francis, Geelong Liquor Licensing Unit, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁵⁹⁵ Evidence of Mr Mario Gregorio, Venue owner and member Geelong Nightlife Association, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁵⁹⁶ Evidence of Sergeant Tony Francis, Geelong Liquor Licensing Unit, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

stronger evidence is required with regard to the potential for this technology to reduce violence specifically in and around licensed venues.

A recent research project designed to evaluate a range of measures introduced to address alcohol-related problems in the night-time environment in Geelong is the first to investigate the effectiveness of linked two-way radio and ID-scanning projects such as that described above (Miller, Sonderlund & Palmer 2010). Using hospital emergency department data, the Dealing with Alcohol-related problems in the Night-time Economy project (DANTE) 'examined alcohol-related injury frequencies pre- to post-intervention in the Geelong area... from 2005-2009', to assess the impact of a range of interventions. It found that none of the interventions, including the introduction of ID-scanners, coincided 'significantly with any decrease in alcohol-related injury rates,' and in fact, ID-scanners were associated with a rise (Miller et al 2010, p.7).

Noting the limited academic research undertaken in this area and the contrast between the very positive anecdotal evidence provided by witnesses in Geelong and the results of the DANTE research project, the Committee believes further, long-term research is needed into the effectiveness of various surveillance technologies for managing patron behaviour to reduce alcohol-related assaults.

Modifying the drinking environment through liquor accords and forums

Liquor Accords are agreements between licensees, police, local government and community representatives that are designed to reduce harms related to alcohol consumption in the late-night environment. They are usually voluntary agreements based on a code of conduct that members agree to adhere to and which address a range of harm minimisation and amenity issues (Graham & Homel 2008; Chikritzhs et al 2007). Liquor Accords first emerged in Australia in the early 1990s in response to local concerns about underage drinking and escalating violence attributed to alcohol (Chikritzhs et al 2007). Whilst they are often initiated by police, they can also be initiated by government, including local councils, or in some instances by licensees (Graham & Homel 2008). Accords have proliferated throughout Australia in recent years.

Liquor accords in Victoria

One of the first liquor accords to be established in Victoria was the Geelong Local Industry Accord. Since then liquor accords have been established throughout metropolitan Melbourne and regional Victoria, with 85 currently registered accords,⁵⁹⁷ most of which have been founded in the last six years.⁵⁹⁸ Accords have been recognised within the Victorian *Liquor Control Reform Act* 1998 since 2007. Amendments made to the Act in 2007 define what a liquor accord is and allow for accords to include provision for 'liquor accord bans' whereby individual members of the public can be banned from premises operated by members of an accord in a particular area.⁵⁹⁹

⁵⁹⁷ Evidence of Ms Sue Maclellan, Director, Liquor Licensing, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Melbourne, 22 March 2010.

⁵⁹⁸ Based on data from *Liquor Licensing Forums or Accords*, Department of Justice, accessed at www.justice.vic.gov.au, 27 May 2010.

⁵⁹⁹ See *Liquor Control Reform Act* 1998, S. 146A and S. 146B.

The Committee received evidence from witnesses concerning accords currently operating in a number of locations in Victoria, including Stonnington, Frankston, Geelong and Ballarat. The experience of those involved in these accords varied, as did their view of the effectiveness of accords in addressing alcohol-related assaults in their area.

Witnesses representing Victoria Police, licensees and local government, spoke to the Committee about the Stonnington Accord and how it operates. The City of Stonnington has a large number of licensed premises – around 500 – and a high number of assaults occurring in the streets surrounding them.⁶⁰⁰ The Stonnington Accord seeks to address this, and other problems related to licensed premises, through a cooperative approach. It aims to encourage best practice within licensed premises in the Chapel Street area, to promote good behaviour among patrons, and to address amenity issues in the area surrounding venues.⁶⁰¹

The Stonnington Accord is based on a community development model and is strongly supported by the local council, which provides resources for the administration of the Accord. Council officers coordinate accord meetings, produce supporting documentation, and facilitate activities. Development of a new agreement and 17-point action plan, implemented in 2009 are recent activities of the Stonnington Accord.⁶⁰² Ms Karen Watson from the City of Stonnington outlined some of the actions taken to date. These included:

Engaging a consultant to undertake a precinct safety audit of the area, appointing dedicated responsible serving of alcohol officers, ... trialling of shared radio bands; development of a patron code of conduct, which we are currently working on; and consideration of safety plus. They are just a few of the initiatives. The action plan was then incorporated into a new Stonnington Liquor Accord document.⁶⁰³

Another important initiative introduced by the Stonnington Accord is a Compliance Inspection Folder that is distributed to all accord members by the City of Stonnington. Owners/managers use the folder to file the venue's liquor licence, RSA certificates and other compliance related documents, making it easier for them to adhere to legislative requirements and present relevant information to licensing inspectors.⁶⁰⁴ In addition to being convenient for licensees and managers, the folders save police and compliance inspectors time, enabling them to visit and check more venues.⁶⁰⁵

⁶⁰⁰ Evidence of Inspector Clive Rust, Stonnington Accord and Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

⁶⁰¹ Evidence of Ms Karen Watson, Manager, Corporate and Community Planning, City of Stonnington, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

⁶⁰² Evidence of Ms Karen Watson, Manager, Corporate and Community Planning, City of Stonnington, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

⁶⁰³ Evidence of Ms Karen Watson, Manager, Corporate and Community Planning, City of Stonnington, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

⁶⁰⁴ Evidence of Ms Karen Watson, Manager, Corporate and Community Planning, City of Stonnington, and Inspector Clive Rust, Stonnington Service Area Manager, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Melbourne, 7 October 2009.

⁶⁰⁵ Evidence of Inspector Clive Rust, Stonnington Accord and Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

The Stonnington Accord has led to improved relationships between police, licensees, council and the community. Venue owner and accord member Mr Simon Pratt suggested that in the past relationships were poor and often based on fear. The accord has improved communication between licensees, Council and Victoria Police and has helped to dispel misconceptions in the community that venue owners are all ‘drug dealers and gangsters’, rather than businesspeople.⁶⁰⁶ The accord encourages licensees to take more responsibility for the consequences of their business, including potential violence, and to build relationships with their neighbours in the community and being available to discuss problems when they arise.⁶⁰⁷

Inspector Ron Cooke informed the Committee that a very strong liquor accord operates in Frankston with the Police, Council, business community, and the railway station staff working together to address local issues.⁶⁰⁸ As with Stonnington, the Frankston City Council administers and provides support for the accord. It also runs an annual liquor accord forum that is attended by a wide range of participants including sporting clubs and restaurants.⁶⁰⁹ The accord initiated a 2am lockout which applies to all venues in the area, and has been considering the introduction of plastic or non-breakable glass after 10.00 or 11.00pm.⁶¹⁰ Other initiatives flowing from the accord are supervised safe taxi ranks (with costs shared between the Council, licensed venues and the local taxi company); a designated driver program; the Frankston Drink Safe Project (an information/education stall outside venues); and education sessions on dealing with difficult people.⁶¹¹

Witnesses in Ballarat did not share this strongly positive view of accords; a more mixed picture emerged in evidence heard there. Inspector Rudkins suggested that licensees pay lip service to the accord but are more concerned with their financial interests. He cited, for instance, licensee resistance to winding back the current 3am lockout to 1am, and suggested that some accord members deny the role alcohol plays in assaults.⁶¹² Councillor Hudson from the City of Ballarat concurred, suggesting that liquor accords are often controlled by the industry whose commercial interests outweigh the best interests of the

⁶⁰⁶ Evidence of Mr Simon Pratt, Venue owner and Stonnington Accord member, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

⁶⁰⁷ Evidence of Mr Simon Pratt, Venue owner and Stonnington Accord member, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

⁶⁰⁸ Evidence of Inspector Clive Rust, Stonnington Accord and Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

⁶⁰⁹ Evidence of Ms Gillian Jones, Community Safety Officer, Frankston City Council, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Frankston, 26 October 2009.

⁶¹⁰ Evidence of Inspector Clive Rust, Stonnington Accord and Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009. The Frankston lockout initiated by accord members has been applied to all venues in the area by the Director of Liquor Licensing through the power of the Director to make late-hour entry declarations under S. 58B of the *Liquor Control Reform Act 1998*. For further details see Chapter 8.

⁶¹¹ Evidence of Ms Gillian Jones, Community Safety Officer, Frankston City Council, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Frankston, 26 October 2009.

⁶¹² Evidence of Inspector Gerry Rudkins, Manager, Ballarat Police Service Area, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

community.⁶¹³ While the Chair of the Ballarat Community Safety Advisory Committee, Mr John Fitzgibbon, expressed the view that Ballarat does not have rogue operators and that there is general compliance with the accord, he also noted that licensees sometimes find ways to circumvent measures agreed to in the accord.⁶¹⁴

Witnesses in Geelong likewise were concerned about the fact that, as voluntary agreements, accords have limited influence on licensees who are not members. Whilst describing the good working relationship that exists between the police and the majority of Geelong licensees – 90 to 95 per cent of whom are working through the accord to make Geelong a safer place – Inspector Barry Malloch suggested that accords ‘have no teeth’ and that rogue licensees do not join and do not abide by the accord code of conduct.⁶¹⁵ Venue owner and Chair of the Geelong Nightlife Association Mr Darren Holroyd agreed, suggesting that venues that operate outside the accord may gain a commercial advantage.⁶¹⁶ On a more positive note, cooperative relationships between Licensees and the local Council have been fostered through the Geelong accord. For example, the City of Greater Geelong has provided conflict resolution training that has been very well received by accord members.⁶¹⁷

A limitation of accords is that they can be difficult to sustain. There may be a perception that specific problems that the accord was designed to address have improved; licensees change over time and new owners may have different priorities; there may be a lack of clarity around the roles and responsibilities of members, and finally, a lack of resources or staff to administer the accord can be a problem (Drugs and Crime Prevention Committee 2006). Geelong City Council’s Community Development Officer, Ms Lisa Armstrong-Rowe, said that accords are a good concept, but they need resources and a high level of commitment from licensees to be effective.⁶¹⁸ Ms Karen Watson, City of Stonnington, raised the issue of the cost to local government of administering accords, suggesting that resources could be provided to local government by the State Government to support accords administration.⁶¹⁹

A positive aspect of accords is that they encourage cooperation between venues, particularly in dealing with troublesome or intoxicated patrons. As noted above, members of an accord can agree to ban particular individuals not only from one premise but also

⁶¹³ Evidence of Councillor Des Hudson, Ballarat City Council, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁶¹⁴ Evidence of Mr John Fitzgibbon, Chair, Ballarat Community Safety Advisory Committee, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁶¹⁵ Evidence of Inspector Barry Malloch, Licensing Inspector, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁶¹⁶ Evidence of Mr Darren Holroyd, Chair, Geelong Nightlife Association, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁶¹⁷ Evidence of Ms Lisa Armstrong-Rowe, Community Safety Officer, City of Greater Geelong, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Forum, Geelong, 29 October 2009.

⁶¹⁸ Evidence of Ms Lisa Armstrong-Rowe, Community Safety Officer, City of Greater Geelong, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁶¹⁹ Evidence of Ms Karen Watson, Manager Corporate and Community Planning, City of Stonnington, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

from all member venues. The introduction of radio communication networks among accord members facilitates this. Witnesses from Geelong⁶²⁰ and Stonnington spoke to the Committee about using radios to warn each other about patrons who have been ejected from one venue and are moving on to another:

I was working at the door of Katuk and refused two males and they were heading north down Chapel Street, but I could say to that next venue, 'Hey, just a heads-up; there are two guys, one is in a red cap and the other has got a white jacket. We have refused them' or 'we have asked them to leave'.⁶²¹

Peer monitoring can also encourage the uptake of positive initiatives and safe practices laid down in codes of practice endorsed by accords. In regional centres this is most effective, as there are less venues and they are well known to each other.

The Melbourne Licensees' Forum

The large number of licensed venues in the City of Melbourne may make the idea of a liquor accord unworkable in comparison to accords in regional cities.⁶²² A voluntary accord that was established in Melbourne some years ago waned.⁶²³ The City of Melbourne now supports a Melbourne Licensees' Forum that since April 2009 has been working on a number of projects related to staffing levels within venues, training and the responsibilities of venue owners.⁶²⁴ A joint project between the Melbourne Licensees' Forum and the Association of Liquor Licensees Melbourne has been the development of a code of conduct for patrons and a campaign called 'No Excuses!'.⁶²⁵ As part of this campaign a poster was produced for display in venues. The poster highlights the fact that patrons who are drunk, violent, quarrelsome, disorderly or caught smoking on premises will be refused entry or asked to leave licensed premises, and that patrons refusing to comply with such requests may receive on-the-spot fines.⁶²⁶

⁶²⁰ Evidence of Ms Lisa Armstrong-Rowe, Community Safety Officer, City of Greater Geelong, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁶²¹ Evidence of Mr Simon Pratt, Venue owner and Stonnington Accord member, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

⁶²² Evidence of Robert Doyle, Lord Mayor, City of Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 23 November 2009.

⁶²³ Evidence of Ms Anne Malloch, Team Leader City Issues, City of Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

⁶²⁴ Evidence of Ms Maria Plakourakis, Social Planner, City Issues, City of Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

⁶²⁵ Evidence of Ms Maria Plakourakis, Social Planner, City Issues, City of Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

⁶²⁶ Evidence of Ms Sue Maclellan, Director of Liquor Licensing, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 22 March 2010.

Research evidence

The concerns expressed by some witnesses about the limitations of accords are consistent with research-based evidence on their effectiveness. Graham and Homel reviewed a number of studies evaluating various accords, including the Geelong accord and accords in Fremantle and Kings Cross. Their evaluations of the Geelong accord, conducted in the late 1990s, found there were reductions in the assault rate, improvement in serving practices, and responsible drink promotions. However, they were cautious about the interpretation of these results due to limitations in research methodology (Graham & Homel 2008). The more rigorous evaluation of the Fremantle accord:

found no evidence of effectiveness of the accord on any measures... [and the] evaluators concluded that most elements were ineffectively implemented because market competition eroded any positive benefits of the voluntary agreements that were the key component of the accord (Graham & Homel 2008, p.218).

Evaluation of the Kings Cross accord likewise found no statistically significant reduction in alcohol-related incidents recorded by police or hospital emergency departments.

Homel and Graham saw the voluntary nature of accords as their biggest weakness, as venues were not required to comply with the good management practices promoted by them. They also noted that the cooperative approach, which is popular with both police and licensees:

risks the possibility of 'regulatory capture' (that is, where the regulator becomes unduly influenced by those being regulated) and has the potential for displacement of goals from violence reduction and other improvements in community wellbeing to an emphasis on process and compliance issues that are of secondary importance (Graham & Homel 2008, p.221).

Babor et al have come to a similar conclusion in their review of alcohol policies and strategies, stating that 'rigorous evaluations have found that strictly voluntary accords are unlikely to result in reductions in alcohol consumption and related harms' (2010, p.159). Chikritzhs et al (2007) were equally pessimistic about the effectiveness of voluntary accords in the absence of enforcement of the management strategies accords promote. However, where restrictions implemented through liquor accords are enforced they saw these as having evidence for positive outcomes (see Table 12.2 below). As detailed in Table 12.3, they listed a number of likely positive outcomes, but emphasised that initiatives introduced by accords need to be 'evidence based, mandatory, responsive to changing community needs, adequately resources and enforced'.

Table 12.3 Restrictions implemented via liquor accords and community based programs

Evidence for impact	with enforcement ✓ without enforcement X
Suitable target populations	<ul style="list-style-type: none"> All licensed premises, including hotels, taverns, nightclubs and takeaway stores Premises particularly associated with high levels of problems
Responsible authority	<ul style="list-style-type: none"> State/territory Local authority
Suitability for short-term implementation	<ul style="list-style-type: none"> Low, as requires on-going support and enforcement to establish deterrence and maintain effect
Suitability for long-term Implementation	<ul style="list-style-type: none"> High, but initiatives must be evidence based, mandatory, responsive to changing community needs, adequately resourced and enforced
Likely positive outcomes	<ul style="list-style-type: none"> Reduction in per capita consumption Reduction in violence in and around licensed premises Reduction in alcohol-related vehicle crashes and fatalities Reduction in alcohol-related injuries and harms among young people May generate sense of community control and encourage community involvement in program activities
Possible negative outcomes	<ul style="list-style-type: none"> Enforcement less likely if implemented on voluntary basis May generate false impression that program strategies are effective and focus attention away from potential problems May give undue attention to unproven and/or ineffective initiatives
Potential limiting factors	<ul style="list-style-type: none"> Reduced effectiveness when not adequately enforced Lack of community support Insufficient human and financial resources
Recommendations	<ul style="list-style-type: none"> Not yet demonstrated as an effective approach in an Australian context, voluntary accords may be counter-productive

Notes: ✓ Evidence for positive outcomes – may need ongoing substantial functional support.

X Evidence repeatedly indicates absence of reliable positive effect of restriction on alcohol consumption and/or alcohol-related harms. In some instances, there may be evidence of counter-productive outcomes.

Source: Chikritzhs et al 2007, p.197.

Improving the effectiveness of accords

Accords can develop codes of conduct, safety audit tools and best practice models of staff training, but these are only going to have an impact in terms of harm minimisation if they are complied with. Witnesses to the Inquiry took alternative approaches to the question of how to increase compliance with such measures and thereby improve the effectiveness of accords. On the one hand, the approach being taken in Stonnington is to make membership of the accord something that venues can aspire to, and on the other hand, there were calls in Geelong for measures adopted by accords to be made compulsory.

In Stonnington, venues undergo a safety audit and inspection by members of the accord steering committee before joining and only those that meet a certain standard are admitted to membership.⁶²⁷ To provide an incentive for membership, member venues are promoted by the City of Stonnington as safe venues through the media and production of publicity material.⁶²⁸ Ms Watson suggested this approach has seen an increase in interest and attendance at accord meetings from around 15–20 licensees to more than 50.

In Geelong, Inspector Malloch suggested that the voluntary nature of accords and the strategies they implement could be changed.⁶²⁹ Venue owner Mr Darren Holroyd agreed, expressing the view that liquor accords should be legally binding and that if a venue is ‘operating outside those agreed guidelines – that most people in that community think they should operate by – then ... that would give [the police] or the council the right to step in at that point and do something about it’.⁶³⁰ He also noted the new risk-based licence fee structure and suggested that incentives, in the form of discounts, could be introduced for venues that sign an accord and participate in projects such as coordinated ID scanners and two-way radio communication systems.⁶³¹ Another Geelong venue owner, Mr Mario Gregorio, also expressed a preference for a compulsory accord rather than a voluntary one, so as to increase compliance and thus improve safety.⁶³²

A compulsory accord was tried in Perth, and whilst this resulted in a large membership base, the compulsory nature of the enterprise undermined the opportunity to develop productive working relationships between stakeholders. Members placed the sign on their front window but did not actively participate.⁶³³ A compulsory accord currently exists in Bendigo. At the time when the 2am lockout was introduced in Bendigo, the Liquor Licensing Commissioner made membership of the accord a compulsory licence condition for those venues subject to the lockout.⁶³⁴

The Committee recognises that a compulsory accord would be unworkable in the City of Melbourne, given the large number of venues. However, it believes that given the cost to owners of complying with accord codes of practice, and the potential commercial

⁶²⁷ Evidence of Ms Karen Watson, Manager Corporate and Community Planning, City of Stonnington, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

⁶²⁸ Evidence of Ms Karen Watson, Manager Corporate and Community Planning, City of Stonnington, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

⁶²⁹ Evidence of Inspector Barry Malloch, Licensing Inspector, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁶³⁰ Evidence of Mr Darren Holroyd, Chair, Geelong Nightlife Association, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁶³¹ Evidence of Mr Darren Holroyd, Chair, Geelong Nightlife Association, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁶³² Evidence of Mr Mario Gregorio, Venue owner and member Geelong Nightlife Association, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁶³³ Evidence of Ms Anne Malloch, Team Leader City Issues, City of Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

⁶³⁴ Evidence of Ms Sue Maclellan, Director of Liquor Licensing, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 22 March 2010.

advantage gained by those that do not join, it would be appropriate that all venues within the area where an accord operates be required to abide by the provisions of the accords.

Reducing risks in the physical environment

While improvements in the responsible serving of alcohol and in strategies for dealing with aggressive patrons go some way towards addressing risk associated with the social environment in and around licensed premises, there is also a role to be played by strategies that target the physical environment of venues.

There are many aspects of the physical environment that can generate or exacerbate conflict between patrons.⁶³⁵ Graham and Homel (2008) review a range of environmental factors that have been investigated in relation to their impact on aggression in and around licensed premises.⁶³⁶ The key factors pertaining to impact of the physical environment on aggression are outlined in Table 12.4 below.

The Committee heard a range of suggested strategies for addressing environmental risks. These included safety audits, design guidelines, and the use of plastic or shatter-proof glassware. Similar strategies have been introduced or trialled in various places, and some have been evaluated.

⁶³⁵ This topic is discussed briefly in Chapter 6. The discussion here expands on that.

⁶³⁶ Graham and Homel's work is based on a review of 13 studies that have been 'conducted in various English-speaking countries over the past 30 years' (Graham & Homel 2008, p.95). They note some limitations of the studies reviewed. Firstly, in most cases the data are correlational and cannot be assumed to imply causation; there may be confounding effects from unrelated variables; and some factors may be indirectly rather than directly associated with aggression.

Table 12.4 Physical aspects of the drinking environment and their influence on aggression

Environmental variable	Link to aggression
Queues and line-ups to enter	Queues can create 'frustration and provocation caused by long waits, queue jumping, quest passes and bribes, as well as by officious, arbitrary or confrontational behaviour by door staff'. Queuing may also affect people's mood, their expectations and willingness to behave appropriately (p.97).
Size of venue	Overall, the greater the number of patrons, the greater the risk of aggression (2008, p.97). Possible explanations include: the difficulty of providing guardianship in larger venues; increased numbers of intoxicated patrons; and other factors associated with large size, such as crowding and louder noise levels (p.105)
Décor and appearance	While décor and appearance have been linked to aggression in some studies, findings are mixed. The 'overall décor, maintenance and structural arrangements ... contain messages about behavioural expectations' but 'the social environment ... may override lesser effects of décor and upkeep' (p.105).
Cleanliness of venues	An association between unclean premises and aggression has been consistently found. However, this is most likely an indirect effect of other factors such as the characteristics of the clientele or how busy the bar is. Graham and Homel suggest that 'the most likely explanation, is that unclean/messy environments are associated with generally permissive and poorly controlled environments' (p.106)
Crowding, movement and noise	Crowded, noisy venues with high levels of movement among patrons elicit more aggression. Bumping and shoving increase in crowded situations. The design of venues – the location of bars, exits, toilets and dance floors – affect the flow of traffic and the number of potential collision points between patrons. Noise may have a direct effect on aggression or be an indicator of other risk factors such as crowding (pp.107-9).
Smoke, ventilation and temperature	Aggressive incidents are more likely in venues that are smoky, poorly ventilated and uncomfortably hot. This may be an indirect or direct effect (p.109).
Low comfort, inadequate seating and inconvenient bar access	Low comfort, inadequate seating and inconvenient bar access have been found to be related to levels of aggression. It is likely that these factors act synergistically with other aspects of poor physical design, crowding and other physical irritants (p.109).

Source: Adapted from Graham & Homel 2008.

Safety audit

Risk assessments or safety audits are designed to assist owners and managers to evaluate and reduce those risks within the licensed environment that research has identified as being associated with violence and other problems (Graham & Homel 2008). They have been included in a number of RBS programs including *Safer Bars*, the Alcohol-Linking Project developed in Newcastle, and the Queensland projects reviewed by Graham and Homel (Babor et al 2010). The *Safer Bars* risk assessment workbook contains 92 questions whereby owners or managers can rate their venue on various aspects of bar operation. Some of these relate to the social environment and the role of bar and security. Areas relating to the physical environment include 'Entering the bar; ... using layout to avoid

risk factors such as bumping; physical comfort and safety ... and addressing risks specific to closing time' (Graham & Homel 2008, p.199).

The Director of Responsible Alcohol Victoria, Julianne Brennan, advised the Committee that a safety audit tool is available in Victoria for use by owners and managers of venues.⁶³⁷ The Licensed Venue Safety Audit booklet was produced in 2008 after the Inner City Entertainment Precinct (ICEP) Taskforce recommended the development of an audit/risk assessment tool for licensed venues (Department of Justice 2008b). The booklet is available from the Department of Justice and covers three aspects of operating a licensed venue safely: administration; venue design; and people issues. It is provided as a self-assessment tool and is described as 'an aspirational document designed to encourage the highest standard of practice amongst all types of licensed venues throughout Victoria' (Department of Justice 2008b, p.2).

Venue design guidelines

Another safety related strategy is the development of design guidelines for venues to enhance safety by reducing environmental irritants such as crowding around bars, poor traffic flow between different areas of a venue, queues, ventilation etc. While noting that there has been limited research into the effectiveness of strategies related to design, Professor Robin Room suggested this was an important issue as the internal arrangement of venues could make violence more or less likely. He explained:

We do not fully understand everything that is at stake there, but it is clear you may have a very large place where it is essentially impossible for the service staff to keep track of how much people are drinking, where people almost have to bump into each other when they are making their way from the bar back to wherever they are sitting or standing and where they may spill a little bit of beer on someone who has had a few beers and who is likely to be upset. These are the kinds of ways in which the internal arrangements of these places can bear on the topic in which you are interested.⁶³⁸

The Department of Justice has recently taken action in this area by developing a set of design guidelines for licensed venues in conjunction with Victorian architects, local government and licensees.⁶³⁹ The guidelines seek to address issues of violence and antisocial behaviour and amenity through the design and layout of both the internal and external environment of licensed premises (Department of Justice 2009h).

While commending the development of the Design Guidelines for Licensed Premises, the Committee is concerned that there is no requirement for venues to adhere to the guidelines. It believes that design principles to address violence in and around licensed premises should be made compulsory for all new premises, and incentives should be provided for existing venues to upgrade to meet the same standard.

⁶³⁷ Evidence of Ms Julianne Brennan, Director, Responsible Alcohol Victoria, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

⁶³⁸ Evidence of Professor Robin Room, Director, Centre for Alcohol Policy Research, Turning Point Drug and Alcohol Centre, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 23 November 2009.

⁶³⁹ Evidence of Ms Julianne Brennan, Director, Responsible Alcohol Victoria, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

Other strategies

The use of non-breakable, polycarbonate or plastic glassware and drink containers after a certain time at night, and the requirement for venues to make food available for purchase were two other strategies suggested to the Committee. The use of non-breakable glassware is designed to reduce injuries inflicted by broken glasses or bottles.⁶⁴⁰ Sergeant Francis from the Geelong Licensing Unit advised the Committee that the public supports a ban on alcohol being served in glass at large public gatherings, and that it is not uncommon for people to inform the police if they see others with ‘stubbies’ at such events.⁶⁴¹ A number of Geelong nightclub owners are considering introducing non-breakable glasses to their venues,⁶⁴² as are accord members in Frankston.⁶⁴³ The Committee also notes that the Queensland Parliament’s Law, Justice and Safety Committee in its recent report into alcohol-related violence recommended the phasing out of regular glass in venues trading after midnight. The Committee is also aware, however, that research evidence on glass alternatives are mixed. Babor et al referred to a randomised controlled trial which found that ‘injuries to bar staff actually increased when toughened glassware was used’, whilst noting that other research ‘suggests that such bans are feasible and may reduce injury’ (2010, p.160). The Committee therefore recommends further investigation of this option.

The availability of food at venues has the potential to decrease the risk of intoxication. As Graham and Homel (2008) note, the consumption of food slows the absorption of alcohol and therefore decreases levels of intoxication. The Committee was informed that a campaign to improve the safety of students taking part in O-week activities at the University of Ballarat, the Be Safe Campaign, has taken a harm minimisation approach by ensuring that food is provided to students who participate in activities that also involve alcohol. While not being able to stop a traditional ‘pub crawl’ during O-week, they provided an afternoon of free, fun activities with plenty of food.⁶⁴⁴ Despite the importance of food in this regard, food is not always readily available late at night when most restaurants are closed, and few nightclubs serve food. Making food available in venues defines them as establishment that are about food as well as alcohol, sending a different message to potential patrons (Graham & Homel 2008). The Committee also recommends further investigation of a requirement that all venues make food available for purchase.

⁶⁴⁰ Evidence of Chief Inspector Ron Cooke, Manager, Frankston Police Service Area, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Frankston, 26 October 2009.

⁶⁴¹ Evidence of Sergeant Tony Francis, Geelong Liquor Licensing Unit, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁶⁴² Evidence of Mr Darren Holroyd, Chair, Geelong Nightlife Association, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁶⁴³ Evidence of Chief Inspector Ron Cooke, Manager, Frankston Police Service Area, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Frankston, 26 October 2009.

⁶⁴⁴ Evidence of Mr John Fitzgibbon, Chair, Ballarat Community Safety Advisory Committee, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

Conclusion

Given the association between licensed venues and the occurrence of assaults both in them and in surrounding streets, measures to reduce levels of intoxication and manage patron behaviour are important. The Committee has considered the need to improve training and enforcement for the responsible serving of alcohol and training and regulation of security staff. It has also looked at a range of measures related to the physical environment of venues. The Committee believes that action on these issues will reduce the occurrence of assaults in and around premises.

Recommendation

The Committee recommends that Responsible Service of Alcohol (RSA) training be developed as a two-stage program, including a basic level course and a more advanced course. (*Recommendation 13*)

Recommendation

The Committee recommends that stage two RSA certification be made compulsory for all staff (including outdoor staff) employed in venues/outlets operating under the following licence categories:

- Late night (general);
- Late night (on-premises);
- General and On-Premises (if authorised to trade past 11pm);
- Packaged liquor; and
- Late night (package liquor). (*Recommendation 14*)

Recommendation

The Committee recommends that all staff employed in venues covered by recommendation 15 be required to complete RSA refresher training every 12 months. (*Recommendation 15*)

Recommendation

The Committee recommends that the component of RSA training that covers skills in conflict resolution and the management of difficult patrons be increased in both the basic and advanced course. (*Recommendation 16*)

Recommendation

The Committee recommends that venues operating under the following licence categories be required to have an RSA monitor who is not directly involved in sales, but is available to assist bar staff and maintains an overview of the bar:

- Late night (general);
 - Late night (on-premises); and
 - General and On-Premises (if authorised to trade past 11pm).
- (*Recommendation 17*)

Recommendation

The Committee recommends that the Victorian Government legislate to make adherence to the measures established through liquor accords mandatory for late night venues within the local government area covered by the accord. (*Recommendation 18*)

Recommendation

The Committee recommends that the Victorian Government amend the Victorian Planning Provisions to include a clause that requires all new on-premise venues to adhere to the Design Guidelines for Licensed Premises. (*Recommendation 19*)

Recommendation

The Committee recommends that the Victorian Government amend the Victorian Planning Provisions to include a clause that requires, in the case where there is an application to vary or transfer an existing liquor licence, that the venue must be upgraded to meet the Design Guidelines for Licensed Premises. (*Recommendation 20*)

Recommendation

The Committee recommends that the Victorian Government encourage existing on-premise venues to upgrade their premises to meet the Design Guidelines for Licensed Premises. A list of compliant venues should be placed on the Department of Justice (Responsible Alcohol Victoria) website. (*Recommendation 21*)

Recommendation

The Committee recommends that the Victorian Government investigate the option of regulating:

- The mandatory use of polycarbonate or other shatter-proof glasses in venues that are subject to risk/late night trading fees under the *Liquor Control Reform Act 1998* (other than a premise with a restaurant or café license under Section 9); and
- The requirement that all on-premise venues have food available for purchase. (*Recommendation 22*)

13. Modifying the Broader Environment

Introduction

Whilst the immediate environment of licensed premises is the site for a significant proportion of public place assaults recorded by Victoria Police in 2008/09 – 10 per cent for Victoria overall and 17 per cent for the Melbourne central business district (CBD) – a larger proportion of public place assaults occur in other locations such as streets and footpaths, at retail locations or around public transport services.⁶⁴⁵ Many of these assaults are, nonetheless, alcohol-related. According to Victoria Police statistics since 1998, the proportion of recorded public place assaults that police have flagged as involving alcohol increased from 15 to 26 per cent.⁶⁴⁶ The consequences of excessive alcohol consumption, combined with the particular nature of the night-time economy in entertainment precincts or other public places where groups and individuals congregate, can create tensions that at times escalate into violence.

Violent crime and the nightlife environment

Graham and Homel (2008) use the term ‘spilling out the doors’ to evoke the interconnection between what happens inside licensed premises and what happens outside them in the broader nightlife environment. They outline the mechanisms by which aggression outside licensed venues may be linked to the characteristics and practices of venues:

- (a) clashes between groups emerging from or congregating outside different establishments;
- (b) ejection of troublesome or aggressive patrons;
- (c) unfair, confrontational or officious entry practices;
- (d) aggression between staff and patrons who have been ejected;
- (e) movement between establishments or different parts of the same establishment;
- (f) crowds gathering to watch and sometimes participate in conflicts (Graham & Homel 2008, p.170).

Owners and managers of licensed premises often view what happens outside their establishments as not their responsibility; at the end of the night when venues close, or when patrons are ejected or refused entry, problems move elsewhere but they do not disappear. Thus, as Graham and Homel note, ‘events inside licensed premises are clearly connected to events in the immediate environs. For example, many incidents of aggression and violence on the streets have their origins in events that occurred earlier inside a drinking establishment’ (2008, p.174).

⁶⁴⁵ Across the whole of Victoria, the most likely location of a public place assault to occur is on streets or footpaths (57 per cent). The next most likely is retail locations including licensed venues (13 per cent), followed by public transport or transport-related facilities such as train stations, taxi ranks or tram stops (12 per cent). In the Melbourne CBD, the figures are: street/footpath (54 per cent), on public transport (11 per cent) and retail locations (10 per cent). The remainder of public place assaults occurred in open space or other community/recreational locations. For a full discussion of Victoria Police crime statistics related to assault in public places, see Chapter 2.

⁶⁴⁶ It is possible, as noted in Chapter 2, that this increase reflects in part a change in police practice in relation to use of alcohol-related data fields when recording crime. See Chapter 2 for more detail.

As previously discussed, it has been estimated that up to 300,000 people come into the Melbourne CBD on a Saturday night to participate in late-night entertainment.⁶⁴⁷ Whilst smaller numbers are involved, similar patterns also occur in entertainment precincts in regional and suburban centres. The concentration of people that results creates sites and times when aggression and violence are more likely to occur.

Activity nodes are sites where violent or crime incidents are concentrated. These are generally places where people cluster, and can include licensed premises of a certain type, fast food outlets, and transport hubs (Graham & Homel 2008, p.190).

Activity nodes are related to two further concepts used by criminologists in analyses of the ecology of street violence and the relationship between licensed premises and the broader environment: 'hot spots' and 'burning times' (these refer respectively to the spatial and temporal concentration of conditions conducive to violence). Both are evident when nightclubs close and large numbers of intoxicated people spill onto the street at the same time, all heading 'simultaneously for the taxi ranks, car parks, bus or railway stations, or fast food outlets and hotdog stands. Many patrons just "mill around" looking for something to do or for a ride home' (Graham & Homel 2008, p.173).

Transport issues

An issue that was raised frequently throughout the Inquiry was how to disperse large numbers of people from entertainment precincts late at night and early morning, particularly when normal public transport services are closed. The need for more and safer transport options was also raised.⁶⁴⁸ The Lord Mayor of Melbourne, for instance, sees public transport as the key to safety in the city. In evidence to the Committee, he expressed dismay at the granting of a licence for a new large nightclub in South Melbourne in November 2009, given the lack of transport options available to patrons in the area.⁶⁴⁹

Although the entertainment precincts in regional centres are much smaller than the Melbourne CBD area, and much smaller numbers of people utilise them, the Committee has been told that the problem of dispersing patrons and getting them home following a night out is similar, or even worse due to there being less public transport options available.⁶⁵⁰ In regional areas, buses and taxis are usually the only public transport option available.

⁶⁴⁷ Evidence of Ms Colleen Lazenby, Manager, Community Safety and Wellbeing, City of Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

⁶⁴⁸ See, for example: Submissions from City of Melbourne (November 2009) and from Australian Security Industry Association Ltd (October 2009) to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria; Evidence of Mr Jono Chase, President, Step Back Think, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

⁶⁴⁹ Evidence of Robert Doyle, Lord Mayor, City of Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 23 November 2009.

⁶⁵⁰ This issue was raised in public hearings in Frankston, Ballarat and Geelong, and in submissions to the Inquiry. See for example: Evidence of Ms Karin Hann, Executive Officer, Frankston Business Chamber, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Frankston, 26 October 2009; Evidence of Mr Steve Bentley, Place Manager for Central Geelong, City of Greater Geelong, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009; Submission from City of Greater Shepparton to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

There is also the related issue of safety on and around public transport facilities. Railway stations and taxi ranks are examples of activity nodes where, at certain times, the potential for violence and aggression can increase. Graham and Homel suggest:

Some activity nodes are also simultaneously at spatial and temporal edges, such as railway stations or taxi ranks. The combination of large crowds competing for limited transport at closing time at places that are on the periphery of the bright lights and are somewhat removed from formal surveillance is a well-known recipe for conflict and violence (2008, p.192).

Safety on trains and around railway stations was raised as a particular concern for international students, many of whom have no choice but to be travelling late at night because they tend to work shifts outside standard Monday to Friday office hours.⁶⁵¹ Ms Wesa Chau, from the Australian Federation of International Students, informed the Committee:

...we do feel that personal safety on public transport is a major issue. First of all, young people travel on public transport a lot because many do not drive and most international students do not have a car. Many do travel at night on public transport, especially if they work at night or go to the city at night. We know that there is a higher number of assaults during night-time. There is also a lack of police or officers on the public transport system, so they feel that if they do get assaulted, they do not feel the protection.... There is also a lack of lighting at stations, so they do not feel safe when they get off the train or tram.... It is also easy for perpetrators to commit an offence in places which are not well lit.⁶⁵²

The dominance of alcohol-related entertainment

The concentration of licensed venues in entertainment precincts leads to an environment dominated by alcohol-related entertainment and the specific population demographic (generally young adults) that this type of activity attracts. It has been argued that this 'serves to exclude families, older people, and even many young people with different tastes' and that as 'these areas acquire a certain kind of ecological label, these excluded groups increasingly avoid them,' creating a self-perpetuating cycle (Graham & Homel 2008). This dimension of the late-night environment, and its contribution to the problems of antisocial behaviour and crime against the person, were raised by staff from the City of Melbourne and by Melbourne Lord Mayor, Robert Doyle.⁶⁵³

A range of approaches can be taken and strategies implemented to modify features of both the physical and social environment in entertainment precincts and other activity nodes, to improve public safety. These include improved public transport options; increased surveillance, both natural and through the use of technology; and improved lighting. Social programs and normalisation strategies that attempt to alter the social environment in ways that will reduce crime are also important in the context of the broader environment.

⁶⁵¹ Evidence of Mr Amit Menghani, President, Federation of Indian Students of Australia, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

⁶⁵² Evidence of Ms Wesa Chau, Honorary President, Australian Federation of International Students, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

⁶⁵³ Evidence of Robert Doyle, Lord Mayor, City of Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 23 November 2009; See also, Evidence of Ms Anne Malloch, Team Leader City Issues, City of Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

Improving transport options and safety

A range of strategies have been implemented or suggested in relation to improving transport options and increasing safety on and around public transport and public transport-related facilities throughout the state.

Increasing transport options

Late night buses have been introduced in many areas as a way of assisting people to get home from entertainment precincts on weekend nights. A *NightRider* bus service operates from the City of Melbourne on weekends. Large numbers use the buses, with the Department of Infrastructure increasing the frequency of service in 2009.⁶⁵⁴

A number of regional centres have also introduced late night bus services.⁶⁵⁵ A shortage of local taxi services to cater for large numbers of intoxicated people wandering about the Shepparton CBD late at night led the local Council to establish a *Street Rider* bus service:

The service runs from 1:00a.m. to 5:00a.m each Sunday Morning, and offers a delivery based transport service to local patrons. Users of the service are collected from participating venues within Shepparton's CBD, and travel along the main roads in and around the local built up residential areas.

The 12-seater Street Rider bus is driven by volunteer drivers (such as members of the local Kiwanis's club), who are accompanied by a security officer (provided through the in kind support of the local liquor accord members). The bus will charge patrons a gold coin donation, per person. If patrons are unable to afford a gold coin, the service will be offered free of charge at the driver's discretion. The bus is provided by local businesses and services (mainly nursing homes), on a rotational basis.⁶⁵⁶

The aim of the *Street Rider* service is to reduce antisocial behaviour and assaults in the area.⁶⁵⁷ The Surf Coast Shire also uses community buses to provide late night transport options during peak holiday periods, including Schoolies Week.⁶⁵⁸

The cost of night bus services can be a problem, however. In Frankston the Committee was informed of a night bus trial, which involved buses picking up patrons from nightclubs in Frankston and providing a service to areas such as Cranbourne and Langwarrin. Although the trial was considered successful, the cost of providing the bus, employing a driver and

⁶⁵⁴ Evidence of Ms Colleen Lazenby, Manager, Community Safety and Wellbeing, City of Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

⁶⁵⁵ See: Submission from Bendigo Safe Community Forum to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009; Evidence of Mr Steve Bentley, Place Manager for Central Geelong, City of Greater Geelong, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁶⁵⁶ Submission from Greater Shepparton City Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

⁶⁵⁷ Submission from Greater Shepparton City Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

⁶⁵⁸ Submission from Surf Coast Shire to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, November 2009.

security staff, proved prohibitive and the service lapsed.⁶⁵⁹ Latrobe City Council also trialled a *NightRider* bus service to disperse crowds leaving licensed venues in the Traralgon Entertainment Precinct on Saturday night/Sunday mornings. The trial, which ran between March and August 2009, proved highly successful, leading the Council to seek funding to enable ongoing delivery of the service.⁶⁶⁰

Another potential problem with night bus services is the possibility of passengers being assaulted after they leave the bus. Chair of the Ballarat Community Safety Advisory Committee, Mr John Fitzgibbon, felt that there could be an increased danger of assault, particularly for young women, unless a door-to-door service was provided.⁶⁶¹

One option canvassed by witnesses to the Inquiry for improving safety in the Melbourne CBD and metropolitan entertainment precincts was to extend train and tram services into the early hours of the morning, particularly on weekends. Mr Simon Pratt, venue owner and Stonnington Accord member, suggested that public transport is needed to run all night to take people home from entertainment precincts.⁶⁶² Whilst not calling for 24-hour services, others recommended extending train and tram services past their current times.⁶⁶³ Melbourne Lord Mayor Robert Doyle suggested trams could run on some lines at least until 2.00am on Saturday and Sunday mornings.⁶⁶⁴ The Committee agrees that it would be useful to liaise with transport operators to investigate the feasibility of extending the hours of weekend public transport to allow people to travel home particularly from entertainment and licensed premises. Whilst such a provision would mostly apply to Melbourne, there is sufficient evidence to warrant the extension of public transport in the cities and towns of regional Victoria where alcohol fuelled violence has also been identified as an issue of concern.

Safe taxi ranks

Safe taxi ranks are designed to enhance the safety of both drivers and passengers as they queue for taxis in high usage areas in late night entertainment precincts. Safe taxi ranks are usually supervised by security staff or marshals and include camera surveillance and improved physical infrastructure.

Safe city taxi ranks have operated in the Melbourne CBD, Frankston and Ballarat for some years. However, in 2007 a trial Safe City Taxi Rank project was established as part of the Victorian Taxi Safety Strategy developed by the Victorian Taxi Directorate – a branch of

⁶⁵⁹ Evidence of Chief Inspector Ron Cooke, Manager, Frankston Police Service Area, given to Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Frankston, 26 October 2009.

⁶⁶⁰ Submission from Latrobe City Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, November 2009.

⁶⁶¹ Evidence of Mr John Fitzgibbon, Chair, Ballarat Community Safety Advisory Committee, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁶⁶² Evidence of Mr Simon Pratt, Venue owner and Stonnington Accord member, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

⁶⁶³ Evidence of Ms Colleen Lazenby, Manager, Community Safety and Wellbeing, City of Melbourne; and Evidence of Ms Wesa Chau, Honorary President, Australian Federation of International Students, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

⁶⁶⁴ Evidence of Robert Doyle, Lord Mayor, City of Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 23 November 2009.

the Public Transport Division of the Department of Transport, and regulator of Victoria's taxi industry. The Victorian Taxi Safety Strategy instigated a comprehensive program of initiatives designed to reduce the incidence of assault within the industry.⁶⁶⁵ Additional safe taxi ranks, funded by the Victorian Government, were established in Richmond, St Kilda and Bendigo as part of the Strategy (Victorian Taxi Directorate 2007).

The Committee received evidence about the operation of a number of safe taxi ranks across the state. In Frankston, a safe taxi rank operates on Friday and Saturday nights. It has security staff and is jointly funded by the local council and venue operators.⁶⁶⁶ The local taxi company insists that drivers use the rank because it has closed circuit television (CCTV), which provides enhanced security for drivers as well as passengers.⁶⁶⁷ Surveys of patrons show that they feel safer using the rank.⁶⁶⁸

Security guards are also employed in Ballarat to supervise safe taxi ranks. Ballarat has two ranks, one that has been in place for some time and another that was installed in 2009 to meet growing demand.⁶⁶⁹ The Community Safety Development Officer for the City of Ballarat expressed the view that the City Safe taxi rank in Ballarat has been the most successful initiative introduced in Ballarat to reduce assaults and antisocial behaviour in the CBD.⁶⁷⁰

Geelong also has a safe taxi rank and is investigating the possibility of installing ID scanners at the taxi rank to further improve security.⁶⁷¹ Yarra City Council, in their submission to the Inquiry, noted their involvement in Safe Taxi Rank trial projects in Swan Street, Richmond and Brunswick Street, Fitzroy in 2007. They identified a number of benefits of the ranks, including: the provision of safe and secure locations and certainty of access for taxi users; increased security for taxi drivers; and fewer incidents reported to police.⁶⁷²

Monash University Accident Research Centre (2009) evaluated the Safe City Taxi Rank trial and found that:

...the provision of safe taxi ranks in particular areas across metropolitan Melbourne and some country regions has led to a general decrease in the incidence of assault, and increase

⁶⁶⁵ Submission from Victorian Taxi Directorate, Department of Transport, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

⁶⁶⁶ Evidence of Chief Inspector Ron Cooke, Manager, Frankston Police Service Area, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Frankston, 26 October 2009.

⁶⁶⁷ Evidence of Chief Inspector Ron Cooke, Manager, Frankston Police Service Area, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Frankston, 26 October 2009.

⁶⁶⁸ Evidence of Ms Gillian Jones, Community Safety Coordinator, Frankston City Council, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Frankston, 26 October 2009.

⁶⁶⁹ Evidence of Councillor Des Hudson, Ballarat City Council, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁶⁷⁰ Evidence of Ms Amanda Collins, Community Safety Planning Officer, City of Ballarat, given to Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁶⁷¹ Evidence of Mr Steve Bentley, Place Manager for Central Geelong, City of Greater Geelong, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁶⁷² Submission from Yarra City Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

in the perception of public safety in the vicinity of these ranks. The Report recommend[ed] the continued funding of safe taxi ranks across Melbourne, with a focus on improved infrastructure and security guard training.⁶⁷³

Following the review, and building on its recommendations, the Victorian Government established the Taxi Rank Safety Program to provide funding grants to local government to pay for infrastructure upgrades 'to improve the safety, quality and amenity of taxi ranks in areas of high usage, particularly in late night entertainment precincts'.⁶⁷⁴ Over a four-year period \$4 million in funding will be provided for items such as:

- closed circuit television;
- improved lighting;
- pedestrian barriers;
- weather shelters;
- signage;
- seats; and
- modifications to curbing or road treatments.⁶⁷⁵

Councils will be required to fund ongoing costs such as the employment of security personnel at the ranks (Department of Transport 2010).

The Committee sees the Taxi Rank Safety Program as a positive initiative for improving safety in the late night entertainment environment and encourages the State Government to continue to support the program.

Surveillance and lighting

Surveillance is usually defined as the close observation, especially of a suspected person (Allen 1990). Whilst this definition brings to mind images of individuals being watched by representatives of authority such as police, security guards or CCTV operators, the concept can have broader application. Within the framework of crime prevention through environmental design (CPTED), terms such as 'defensible space' and 'natural surveillance' highlight the role that physical aspects of the environment can have in facilitating crime prevention through informal social control. These terms and concepts have 'influenced situational crime prevention theory and urban planning and architectural design' (Graham & Homel 2008).

In many areas, local government approaches to crime prevention have drawn on these ideas. For example, Moreland City Council's approach to community safety seeks to minimise the incidence of crime through applying CPTED principles. Through its planning processes it aims to:

...promote urban design and streetscapes that include safety measures such as designs that facilitate clear sightlines, safe movement and ease of access; provide passive surveillance over pedestrian routes; encourage the development of informal meeting spaces; provide

⁶⁷³ Submission from Victorian Taxi Directorate, Department of Transport, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

⁶⁷⁴ Submission from Victorian Taxi Directorate, Department of Transport, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

⁶⁷⁵ Submission from Victorian Taxi Directorate, Department of Transport, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

appropriate lighting in public spaces and along commonly used pedestrian routes where improved security is an objective and develop spaces in shopping areas and public squares that encourage social interaction, especially for young people.⁶⁷⁶

In evidence to the Committee Ms Wesa Chau recommended improved lighting at train stations and tram stops.⁶⁷⁷ Ballarat City Council has implemented a Public Place Lighting Project, which involved a study in 2006 to identify needs and has to date provided additional lighting and retro-fitted existing lighting at key areas within the late night entertainment precinct.⁶⁷⁸ Graham and Homel report that systematic reviews of research into the effectiveness of lighting as a crime prevention measure have ‘shown that improved street lighting can lead to reductions of the order of 20–30 per cent in recorded night-time and day-time crimes’ (2008, p.187).

While improved lighting can enhance ‘natural surveillance’, improved lighting is also often installed in conjunction with camera surveillance systems, which require good lighting for quality images to be obtained.

CCTV surveillance

A popular strategy for addressing the problem of assaults occurring in public places is the installation and use of CCTV surveillance. The use of CCTV has grown substantially in Australia and other western nations in recent years (Welsh & Farrington 2007). Wilson (2008) notes that the widespread uptake of CCTV technology occurred first in the UK, with an estimated 530 town centre systems operating by 1999, and as many as one camera for every 14 people being in operation within a few years of that. Whilst the growth of CCTV schemes was initially slower in the US, there was a surge in the deployment of such systems after 9/11. Many other nations have followed the UK and the US, and although the roll-out of CCTV has been slower in Australia than the UK, Australia has in recent years been part of an accelerating global trend towards installing CCTV in public spaces as a crime prevention strategy (Wilson 2008).

Growth in the use of CCTV in Victoria mirrors this broader trend. The majority of the local governments from which the Committee received evidence provided information on trialling, installing or expanding CCTV systems in their local government area. The Bass Coast Shire Council, for example, described the installation of CCTV in key precincts in their area. They see CCTV as both a preventative measure and as a strategy for increasing the likelihood of apprehending offenders.⁶⁷⁹ The City of Frankston has also installed CCTV in areas where there has been concern over antisocial behaviour and crime, such as the CBD and Foreshore areas.⁶⁸⁰ Frankston City Council has also funded four mobile surveillance cameras for use throughout the municipality and has recently upgraded their

⁶⁷⁶ Submission from Moreland City Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

⁶⁷⁷ Evidence of Ms Wesa Chau, Honorary President, Australian Federation of International Students, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

⁶⁷⁸ Submission from City of Ballarat to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

⁶⁷⁹ Submission from Bass Coast Shire Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

⁶⁸⁰ Submission from Frankston City to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

system to provide live feeds to the local police station.⁶⁸¹ Melbourne City Council has also recently expanded its use of CCTV, supplementing its extensive system of fixed cameras with mobile units. In 2009 Melbourne City Council conducted a review of its policies and procedures in relation to the Safe City Camera Program, with ‘the aim of providing enhanced use of the system to Victoria Police for crime response and crime prevention’.⁶⁸²

Besides local government, other organisations, including the Australian Security Industry Association and Residents 3000, called in their submissions for greater use of CCTV to address the problem of assaults occurring in public places.⁶⁸³ Brimbank City Council, however, specifically rejected the implementation of CCTV, arguing in its submission that the technology is neither appropriate nor effective in addressing violence in public places.⁶⁸⁴

Alongside growth in the use of camera surveillance systems, there has been a growing body of research evaluating their effectiveness and academic literature debating the broader social implications of their use. Given the popularity of camera surveillance systems, and the considerable cost involved in installing and operating them, it is important to consider these issues.

The effectiveness of CCTV as a crime prevention strategy

There are a number of aspects to any discussion of the effectiveness of CCTV. The most important question is probably whether CCTV surveillance deters crime. Much research has been conducted in an attempt to answer this question. Welsh and Farrington (2007) note that:

The mechanisms by which CCTV may prevent crime are numerous. CCTV may deter potential offenders because of their increased subjective probability of detection. Also, CCTV may increase the true probability of detection, may increase pedestrian usage of places and hence further increase the subjective probability, may encourage potential victims to take security precautions, and may direct police and security personnel to intervene to prevent crime... Another possibility is that CCTV could signal improvements in the area and hence increase community pride, community cohesion, and informal social control (Welsh & Farrington 2007, p.7).

However, the effectiveness of CCTV in deterring crime has been widely questioned. One study cited by Isnard (2001) surveyed offenders, asking them about their knowledge of the presence of CCTV and whether this knowledge influenced their offending. It was found that 16 per cent knew it was present but offended anyway, 53 per cent incorrectly stated that CCTV was not present in the location where they offended, and 31 per cent did not know or care whether CCTV was present. These findings suggest that the presence of CCTV had little deterrent effect on offenders (Horne 1998, in Isnard 2001). Other studies

⁶⁸¹ Evidence of Mrs Melissa King, Community Safety Coordinator, City of Frankston, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Frankston, 26 October 2009.

⁶⁸² Submission from Melbourne City Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, November 2009.

⁶⁸³ See for example: Submissions from Australian Security Industry Association Ltd and from Residents 3000 to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

⁶⁸⁴ Submission from Brimbank City Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, November 2009.

have found that any deterrence effect fades over time and that crime may be displaced to areas without coverage (Isnard 2001).

A comprehensive study of a CCTV system in place in Surfers Paradise in Queensland – based on 100 hours of observation in the control room, interviews with key personnel, surveys of the public, and analysis of crime statistics – found that the system was effective at detecting violent crime, but not in preventing it (Clancey 2009).

The introduction of CCTV in Surfers Paradise resulted in significant increases in the extent of total offences against the person (including assault, robbery, other offences against the person and sexual assault) and *Weapons Act 1990* (Qld) offences [prompting the authors to conclude that the] effectiveness of CCTV as a crime prevention tool is questionable. From this research, it appears CCTV is effective at detecting violent crime and/or may result in increased reporting as opposed to preventing any type of crime (Wells, Allard & Wilson 2006, in Clancey 2009, p.7).

A systematic review by Welsh and Farrington (2007) of international research based studies into the effectiveness of CCTV, finds slightly more positive results. The review of 44 studies (chosen on the basis of meeting strict methodological criteria for inclusion in the review) found:

...that CCTV caused a small (16 per cent) but significant decrease in crime in experimental areas compared with comparable control areas. However, this overall result was largely driven by the effectiveness of CCTV schemes in car parks, which caused a 51 per cent decrease in crime. Schemes in most other settings had small and non-significant [in statistical terms] effects on crime: a 7 per cent decrease in city and town centres and in public housing. Public transport schemes had greater effects (a 23 per cent decrease overall), but these were still non-significant (Welsh & Farrington 2007, p.8).

Graham and Homel cite a 2003 study that compared the entertainment areas of five towns using CCTV with matched control towns. The study analysed hospital data from two years before and two years after installation and ‘found significant reductions in assault-related emergency department attendances in the intervention sites compared with the controls’ (Graham Homel 2008, p.188). Such studies that use hospital emergency department data rather than police statistics avoid the problem of increased reporting and detection of crime distorting the number of recorded offences after the installation of CCTV, as found in the Surfers Paradise study.

CCTV can also contribute to the effective deployment of police and security personnel, and for the purposes of gathering evidence to assist with detection, apprehension, and conviction of offenders. The linked CCTV, ID-scanning and radio communication system the Committee observed in operation in Geelong allowed police to respond quickly to potential problems in the Geelong entertainment precinct. Research bears this out:

While CCTV does not prevent public order offences, (which are sometimes influenced or exacerbated by alcohol or drugs etc) use of cameras can result in a faster response thus minimising the seriousness of an offence and increasing the likelihood of an arrest (Isnard 2001, p.10).

The cost of implementing CCTV

Another concern in relation to the implementation of CCTV as a crime prevention strategy is the high cost, both of installing the system and operating it on an ongoing basis:

The costs and considerations for installing a CCTV set up do not stop at purchase and installation of hardware, monitoring and maintenance of the cameras. Also to be considered are:

- crime and safety audit before the installation
- vandal proofing
- independent audits of monitoring room staff and operations after the installation
- Evaluation
- community consultation
- training of staff in the monitoring room
- signage
- improvement to lighting (which can have the additional beneficial effect of increasing feelings of safety)
- publicity
- protocols and grievance procedures (Isnard 2001, p.3).

Ms Kara Dunn from the City of Greater Dandenong drew the Committee's attention to the ongoing cost of monitoring. To monitor its recently installed system, the Dandenong Council purchases monitoring services through a private security firm, with the cost varying depending on the level of monitoring provided. This cost can be substantial especially if real-time monitoring is carried out for extended periods of time.⁶⁸⁵

Another additional cost relates to the upgrading of hardware that may become obsolete quite quickly (Isnard 2001). It is important that these costs are assessed in relation to the alternative uses to which resources could be put: 'One UK estimate puts the cost of a monitored CCTV system of 20 city centre cameras as the equivalent of employing 30 full-time police officers' (Isnard 2001, p.3).

Privacy and human rights issues

The roll-out of CCTV systems in Australia and elsewhere has led to concerns around privacy and human rights issues. A number of studies of CCTV systems have noted the tendency of operators to focus attention disproportionately on members of particular groups (based on ethnicity or demographics), or on individuals in a voyeuristic manner.

Concerns over the privacy and human rights implications of CCTV have fed into debates concerning the use of this technology. The roll-out of CCTV systems in Australia has often been contested due to its image as a 'tough' security measure which some critics see as taking resources away from more socially inclusive crime prevention programs (Wilson 2008). This is the position taken by Brimbank City Council in its submission to the Inquiry. The submission describes camera surveillance as a 'target hardening' strategy alongside other 'tough on crime' measures, such as 'move on' powers and curfews. The

⁶⁸⁵ Evidence of Ms Kara Dunn, Team Leader, Social Policy and Projects, City of Greater Dandenong, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Springvale, 26 October 2009.

Council has rejected CCTV surveillance in favour of a range of community building strategies to prevent crime.⁶⁸⁶

Implementing CCTV systems

What is clear from discussion of the effectiveness of CCTV, its cost, and concerns about privacy and human rights implications, is the importance of such systems being well thought through and implemented in a way that maximises the likelihood of effectiveness.

Welsh and Farrington conclude their review of studies evaluating the effectiveness of CCTV by stating:

Overall, it might be concluded that CCTV reduces crime to some degree. In light of the marginally successful results, future CCTV schemes should be carefully implemented in different settings and should employ high quality evaluation designs with long follow-up periods (Welsh & Farrington 2007, p.8).

To assist local government in the careful implementation of camera surveillance systems, the Australian Government, with the Australian Institute of Criminology, has published a Resource Manual designed to guide organisations through the steps and issues that need to be considered when establishing a CCTV system in public space (Clancey 2009). It recommends the following steps:

- understanding crime and crime patterns (including spatial and temporal trends);
- conducting a site analysis;
- establishing objectives;
- scoping the system, including comprehensive analysis of each component of a CCTV system
 - cameras
 - monitoring
 - footage
 - governance;
- accurately estimating costs (including installation, maintenance, monitoring, staff and opportunity costs);
- installing, trialing and running the CCTV system; and
- monitoring and evaluating the effectiveness of the CCTV system (Clancey 2009, p.5).

Evidence presented to the Committee indicates that the importance of sound planning and evaluation of CCTV systems is recognised by local government, as is the need for such systems to be integrated into a broader approach to improving safety in local communities. For example, the City of Greater Dandenong, in piloting a CCTV project in a major shopping strip, undertook extensive community consultation and planning. The Director of Community Services for the City informed the Committee that:

It is a pilot for a reason, and a considerable amount of work has gone into the protocols, procedures and the process of utilising CCTV, particularly with Victoria Police who have been very cooperative and very encouraging ... There is a set of procedures and process that needs to be well-thought-out behind it. As a council if we are going to be involved in that process we have to get it right ... we have to maintain a process that delivers a result that is

⁶⁸⁶ Submission from Brimbank City Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, November 2009.

credible... I would like to think...that [with] the amount of work that we have put in... [it] is going to be leading edge, at least in this metropolitan area, if not Victoria.⁶⁸⁷

Many of the local governments that provided evidence to the Committee have developed extensive community safety plans that include a range of strategies, of which CCTV projects are generally just one part.⁶⁸⁸

Normalisation and improved amenity

A final approach to reducing public place assaults in entertainment precincts and activity nodes involves the normalisation of the late night environment. This broad strategy addresses the issue of entertainment precincts being dominated by the licensed premise sector, particularly late at night. Ms Anne Malloch from Melbourne City Council explained to the Committee:

Part of the concept is also to normalise the late-night environment instead of it being an environment where people are left to their own devices in a sense to behave as they will. We are very much committed to reducing antisocial behaviour. But really if you are entering a space where it is ordered, clean and properly managed, then you respect it. We want patrons as well to feel they are respected by providing that type of environment for them.⁶⁸⁹

Ms Colleen Lazenby added:

That is what our 24-hour city policy addresses. It is a 24-hour city: how do we make the night-time environment normative as much as possible, and how can we influence that and act on it as a local government?⁶⁹⁰

Melbourne's Lord Mayor Robert Doyle sees normalisation as a crime prevention strategy. By attracting a wider range of people into the city at night, particularly between the hours of 10.00pm and 2.00am, through festivals and activities that are not just focused on alcohol consumption, he believes that a calmer, safer environment can be created.⁶⁹¹ As an example he described the scene in the City when the National Gallery of Victoria stayed open 24 hours on the last night of the Dali exhibition in 2009. The event attracted large numbers of patrons to the gallery, with long queues to Flinders Street. No security or policing was required, however, as people waited 'good-naturedly' for up to 2½ hours to gain entry. Councillor Doyle added: 'That sort of normalisation of the city late at night is something

⁶⁸⁷ Evidence of Mr Mark Doubleday, Director, Community Services, City of Greater Dandenong, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Springvale, 26 October 2009.

⁶⁸⁸ See, for example, Submissions from Bass Coast Shire Council (October 2009), the City of Melbourne (November 2009), and the City of Greater Geelong (November 2009) to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria.

⁶⁸⁹ Evidence of Ms Anne Malloch, Team Leader City Issues, City of Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

⁶⁹⁰ Evidence of Ms Colleen Lazenby, Manager, Community Safety and Wellbeing, City of Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

⁶⁹¹ Evidence of Robert Doyle, Lord Mayor, City of Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 23 November 2009.

we should explore'.⁶⁹² Councillor Doyle also talked about the possibility of creating a young person's precinct in the city. He envisaged a place offering a range of activities, controlled by young people, with security and support provided by the Council and Victoria Police.⁶⁹³

Whilst regional centres that the Committee visited did not embrace the concept of the 24-hour city, the more general idea of improving safety in entertainment precincts by bringing more people, and a broader range of people, into the CBD was discussed in Ballarat. Dr Doug Lloyd suggested that more late night food outlets, and residential development in the CBD could potentially moderate the environment by bringing more people into the area.⁶⁹⁴ The construction of public toilets in the entertainment precinct is another aspect of improving the amenity and general tone of the environment.⁶⁹⁵

In Ballarat, the Community Safety and Development Officer Ms Amanda Collins discussed with the Committee her ideas for establishing a 'safe place' or 'safe haven' for young people in the entertainment precinct. She envisaged somewhere that is 'well lit and well resourced in terms of having a place for parents to come and pick up kids or that type of thing, [with] VicPol in and out'. Tea and coffee would be available, and young people could use the space to sober up, or engage in activities such as using the Internet. The space would be staffed by a person with first aid training.⁶⁹⁶ The Community Development Officer for the City of Greater Geelong, Ms Lisa Armstrong-Rowe suggested a similar idea to the Committee,⁶⁹⁷ whilst also acknowledging that establishing such a centre would not be straightforward: 'There are a whole lot of concerns and conditions that you would want to have ticked off. You do not want it to become a place where the people manning it are at risk, which is a possibility'. She also questioned whether the young people who most need such a service would actually use it.⁶⁹⁸ The Chair of the Ballarat Community Safety Advisory Committee Mr John Fitzgibbon also recognised significant challenges in setting up a 'safe haven' for vulnerable young people in the Ballarat CBD.⁶⁹⁹

The ideas of creating a young person's precinct in the Melbourne CBD and/or safe havens for young people in regional centres are interesting ones. However, the Committee believes further investigation is needed to assess the likely success of this type of initiative

⁶⁹² Evidence of Robert Doyle, Lord Mayor, City of Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 23 November 2009.

⁶⁹³ Evidence of Robert Doyle, Lord Mayor, City of Melbourne, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 23 November 2009.

⁶⁹⁴ Evidence of Dr Doug Lloyd, Chief Executive Officer, Committee for Ballarat, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁶⁹⁵ Submission from City of Ballarat to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

⁶⁹⁶ Evidence of Ms Amanda Collins, Community Safety Planning Officer, City of Ballarat, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁶⁹⁷ Evidence of Ms Lisa Armstrong-Rowe, Community Safety Officer, City of Greater Geelong, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁶⁹⁸ Evidence of Ms Lisa Armstrong-Rowe, Community Safety Officer, City of Greater Geelong, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁶⁹⁹ Evidence of Mr John Fitzgibbon, Chair, Ballarat Community Safety Advisory Committee, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

before resources are committed to it. It therefore recommends to the Victorian Government that it undertake further research into this type of project.

Conclusion

When large numbers of people are brought together in entertainment precincts or activity nodes, the routine activities they engage in – such as leaving a bar at the same time as a large number of other patrons, heading for a fast-food outlet to get a burger, taking a train home from a shift at one of those outlets, or queuing for a taxi to get home – all have the potential to generate friction, tensions and temptations that may precipitate aggression and violence, particularly when alcohol is added to the mix (Graham & Homel 2008). There are, however, a range of strategies that can be put in place to modify the environment and reduce the risk of violence in a way that does not undermine the many positive aspects of entertainment precincts in the Melbourne CBD and regional centres throughout Victoria.

Recommendation

The Committee recommends that the Victorian Government liaise with transport operators to investigate the feasibility of extending the hours of operation for public transport to 4.00 am on Saturday and Sunday mornings. (*Recommendation 23*)

Recommendation

The Committee recommends that the Victorian Government continue to support the improvement of safety, quality and amenity of taxi ranks in high usage areas through the Taxi Rank Safety Program, which provides infrastructure grants to local councils throughout Victoria. (*Recommendation 24*)

Recommendation

The Committee recommends that the Victorian Government investigate the establishment of ‘safe places’ and community services within entertainment precincts to provide support for vulnerable people. (*Recommendation 25*)

14. Campaigning for Change: Provision of Information and Education

Introduction

There seems little doubt that excessive alcohol consumption is often a contributing factor in crimes against the person. Various strategies designed to educate or persuade individuals to alter their drinking behaviour have been tried in Australia and other countries. The goals of such strategies include increasing knowledge of the risks associated with alcohol consumption; changing people's intentions with regard to drinking; changing drinking behaviour; reducing harms associated with alcohol use; and influencing attitudes towards alcohol-related policy (Babor et al 2010).

Education and persuasion strategies can be divided into a number of categories: those that involve various forms of media, for example, social marketing, warning labels and low-risk drinking guidelines; school based programs; and programs that target college or university students (Babor et al 2010).

The effectiveness of these campaigns and education programs, however, has been questioned. In part this has been attributed to the powerful influence of marketing strategies used by alcohol advertisers to target young people and promote alcohol.

General considerations

Education programs with regard to alcohol can be focused at population level or targeted at specific groups, some of whom are perceived as being 'at risk'. In both cases, education strategies usually have some or all of the following objectives:

- Changing knowledge about alcohol and risks related to drinking
- Changing attitudes with regard to drinking in order to lower risks
- Changing drinking behaviour itself
- Lowering the frequency or seriousness of problems related to drinking
- Increasing resources and support for alcohol policies (Babor et al 2010, p.199).

The efficacy of such education approaches compared to other strategies is viewed as low.⁷⁰⁰ Education and persuasion strategies have been traditionally viewed as relatively ineffective, particularly those based on fear (Babor et al 2010).⁷⁰¹

Babor et al, writing from an international perspective, have been particularly critical of an over-reliance on education as a panacea for all ills:

Compared to other interventions and strategies such as law enforcement initiatives, outlet zoning, pricing policies and responsible serving practices, educational programs are expensive and appear to have little effect on alcohol consumption levels and drinking-related problems. Their hegemony and popularity seems not to be a function of either their demonstrated impact or their potential for reducing alcohol-related harm...

⁷⁰⁰ See discussion in Chapter 7 of this Report.

⁷⁰¹ See also Edwards, Anderson & Babor 1994; Alcohol and other Drugs Council of Australia (ADCA) 2003; Loxley et al 2004; Loxley et al 2005.

It is likely that even with adequate resources, strategies that try to use *only* education to prevent alcohol-related harm are unlikely to deliver large or sustained benefits. Education *alone* may be too weak a strategy to counteract other forces that pervade the environment. An unanswered question, beyond the scope of this monograph, is why significant resources continue to be devoted to initiatives with limited potential for reducing or preventing alcohol-related problems (Babor et al 2010, p.215). (Committee emphasis)

This is not a view, however, subscribed to by some recent reviewers, at least not in its entirety (McBride et al 2004; Stockwell et al 2005):

Unlike Babor et al 2003, some forms of educational intervention are recommended... Recent evidence of sustained benefits from well-designed school based interventions targeting legal drugs [may prove positive] with new evidence that a harm reduction approach to school alcohol education can reduce alcohol intake and related risk behaviours (Stockwell et al 2005, p.452).

In short, some commentators have swung to the view that some more recent education approaches that do not rely on didactic abstinence-only or negative messages are also promising.

Social marketing and communication campaigns

Social marketing campaigns have been used in Australia to encourage people to quit smoking, to drive safely, to practice safe sex, to wear hats and sunscreen to reduce risk of skin cancer, and to address alcohol-related violence.

The concept of social marketing has been described as ‘the application of the concepts and tools of commercial marketing to the achievement of socially desirable goals’ (Donovan 2005, p.3). Social marketing draws from a number of disciplines for its theoretical basis, including primarily psychology communication (persuasion), economics, and sociology (behaviour of groups).

Sometimes social marketing is termed counter-advertising. Whilst most campaigns of this type are sponsored or auspiced through public or community health organisations, this is not always the case. Alcohol industry groups have also involved themselves in alcohol education projects and these too will be discussed.

The media also play a major role in promoting social marketing campaigns. Although the media is usually associated with the *advertising and promotion* of alcohol, it also presents public health messages about the *harms* associated with alcohol abuse, often in the context of addressing alcohol-related assaults and violence.

Support for campaigns

Many witnesses giving evidence to the Inquiry supported the use of social marketing campaigns to raise awareness about alcohol, violence and crime and to change drinking cultures.⁷⁰² The Committee received many examples of relevant campaigns, some aimed at

⁷⁰² See for example: Evidence of Professor Ross Homel, Director, Griffith Institute for Social and Behavioural Research, Griffith University, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Teleconference, Melbourne, 9 November; Evidence of Ms Wesa Chau, Honorary President, Australian Federation of Indian Students, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

reducing consumption by providing information about alcohol and associated harms and others based on harm reduction strategies.

Information campaigns to reduce alcohol consumption and associated harms

Melbourne City Council, in their submission to the Inquiry, suggested the use of mass media campaigns, similar to anti-smoking campaigns, to raise awareness of the relationship between alcohol, violence and crime.⁷⁰³ The view was also expressed that a long-term public health campaign is required to change the culture of drinking among young people, rather than short-term campaigns targeted at binge drinking.⁷⁰⁴

It was also suggested that a body similar to the Transport Accident Commission (TAC) be funded and set up to deliver high quality, scientifically based, educational and social marketing campaigns, as has been the case in the area of road safety.⁷⁰⁵ Mr Jono Chase from Step Back Think supported this suggestion, adding that the gender-based message – that young women prefer men who do not fight – taken in the Queensland social marketing campaign One Punch Can Kill might be effective.⁷⁰⁶

Alcohol Industry groups have also been involved to a greater or lesser extent with engaging the community in alcohol education and awareness campaigns as a part of its commitment to corporate responsibility of its product.⁷⁰⁷ Mr Brian Kearney from the Australian Hotels Association described a 2009 campaign by the industry organisation DrinkWise Australia, which aimed to influence parents' decisions with regard to providing young people with alcohol.⁷⁰⁸ The Kids and Alcohol Don't Mix campaign:

... sought to support parents of teenagers to delay the initiation of alcohol by providing new information about its detrimental effects on the developing teenage brain, and advice and practical tips to deal with many of the issues which arise with teenagers and alcohol (DrinkWise Australia 2010).

This campaign followed a previous DrinkWise campaign 'Kids Absorb Your Drinking', which commenced in 2008 (DrinkWise Australia 2010).

An interesting communication campaign was instigated in the Springvale-Noble Park area to support a ban on drinking in public places. The area has had a problem with young people purchasing alcohol from packaged outlets and then drinking it in local parks and railway stations. The communication campaign involved signs informing people about the

⁷⁰³ Submission from City of Melbourne to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, November 2009.

⁷⁰⁴ Evidence of Ms Lisa Armstrong-Rowe, Community Safety Officer, City of Greater Geelong, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁷⁰⁵ Evidence of Dr Russell Dalton, Community Member, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁷⁰⁶ Evidence of Mr Jono Chase, President, Step Back Think, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October, 2009.

⁷⁰⁷ For discussion of some further examples of alcohol industry sponsored education campaigns and the arguments for and against the industry being involved in such promotions, see Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Harmful Alcohol Consumption, *Final Report* (2006).

⁷⁰⁸ Evidence of Mr Brian Kearney, CEO, Australian Hotels Association – Victoria, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October, 2009.

ban on drinking in public areas being placed in public places, such as bus shelters. With the support of local traders, stickers were also placed on packaged liquor warning the purchaser of the possible fine for public drinking.⁷⁰⁹ The strategy was launched in September 2009 and has not yet been evaluated.⁷¹⁰

Another social marketing campaign currently running in Victoria, and aimed at reducing alcohol-related violence, is the 'Just Think Campaign', launched by the *Geelong Advertiser* and the Geelong Cats Football Club in 2008. Public advertisements include the campaign slogan alongside photos of Geelong football players and assault victims. As Mr Danny Lannen from the *Geelong Advertiser* explained to the Committee:

The message is easy to understand, of course, and it, importantly, gave people a sense of community ownership. The saying is, 'We're not saying don't drink. We're saying just think,' which is important ... Apart from the Geelong players, we had the stark photos of the assault victims. They shared their testimonies in a way which really resonated with people and made it real about how innocent nights can go all awry with these simple assaults.⁷¹¹

Building on the advertising campaign, the *Geelong Advertiser* has launched an accreditation scheme for Geelong nightclubs, called the 'Just Think Tick of Approval'. If venues meet a set of criteria devised as part of the 'Just Think Campaign', they receive the Tick of Approval and can advertise their venue accordingly.⁷¹²

How effective are these campaigns?

The effectiveness of such campaigns has been questioned. While campaigns drawing on scare tactics have been relatively popular in addressing drug and alcohol misuse in Australia they have not attracted universal support. Many commentators have argued that mass media campaigns, particularly those addressing young people, need to present the benefits of changing behaviour rather than emphasising the negative consequences of the targeted behaviour or the use of scare tactics.

Research has indicated that there is a place for well designed and effectively delivered mass media, community and counter-advertising strategies, particularly for young people:

There is good evidence that mass media strategies can convey a health promotional message to a high proportion of [young] people, and television appears to be an important component. But there is no good evidence that simple 'one off' media campaigns can alter the long-term development of drug use in the young. There is better support for the use of mass media *in combination* with other strategies such as school based health education or community mobilisation (Loxley et al 2004, p.144). (Committee emphasis)

⁷⁰⁹ Evidence of Inspector Caroline West, Dandenong Police Service Area Manager, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Springvale, 26 October 2009.

⁷¹⁰ Evidence of Inspector Caroline West, Dandenong Police Service Area Manager, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Springvale, 26 October 2009.

⁷¹¹ Evidence of Mr Danny Lannen, Senior Reporter, *Geelong Advertiser*, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Geelong, 29 October 2009.

⁷¹² Evidence of Mr Danny Lannen, Senior Reporter, *Geelong Advertiser*, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Geelong, 29 October 2009.

Loxley and her research colleagues recommend that investment in such a social marketing approach be continued for both general and young people campaigns when they are associated with more targeted initiatives such as drink driving campaigns, anti-violence campaigns, national drinking guidelines or brief interventions for controlled drinking (2004).

With regard to the possible effectiveness of current campaigns, whilst the promoters of 'Just Think', for example, credit it with having contributed to a reduction in assaults in Geelong,⁷¹³ this was not reflected in the evaluation. The Dealing with Alcohol-related problems in the Night-Time Economy project (DANTE)⁷¹⁴ that evaluated a range of initiatives implemented in Geelong to target alcohol-related problems in the night-time economy did not find a positive impact. Based on hospital emergency department data for alcohol-related injuries in the Geelong area from 2005–2009, the DANTE study found that the introduction of the 'Just Think' campaign was in fact associated with a statistically significant rise in injury rates (Miller, Sonderlund & Palmer 2010). Whilst noting that 'definitive causal attributions cannot be made in this context,' the researchers suggest that:

The highly publicised examples of alcohol-related violence frequently used for the Just Think campaign, could conceivably be making patrons more threatened by and ready for violence in the nightlife. For example, rather than offering practical solutions to avoid or diffuse potentially dangerous situations, the Just Think campaign appears to function by inciting fear through sensationalising worst-case scenarios (Miller, Sonderlund & Palmer 2010, p.8).

There was also concern expressed that the 'Just Think' campaign continues the media predilection for running negative stories on the front page,⁷¹⁵ it has not delivered results nor has it been evaluated.⁷¹⁶

Most social marketing campaigns are based on the belief that if people are provided with reliable information about alcohol and associated harms, they will voluntarily choose to alter their behaviour and drink less. Although these have high levels of public support, widespread evaluation of such campaigns find they 'are not an effective antidote to the high-quality pro-drinking messages that appear much more frequently as paid advertisements in the mass media and involve much more extensive exposure' (Babor 2010 et al, p.202).

However, social marketing campaigns that inform young people about how to avoid some of the more serious consequences of drinking – including assaults – has been found to be more promising (Babor et al 2010). These campaigns take a harm reduction approach rather than a demand reduction approach.

A final caveat with regard to social marketing campaigns is that these should ideally not be 'one off' but be consistently evaluated, funded, sustained and reinforced (with appropriate

⁷¹³ Evidence of Mr Danny Lannen, Senior Reporter, *Geelong Advertiser*, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Geelong, 29 October 2009.

⁷¹⁴ This study was discussed briefly in Chapter 12 in relation to the effectiveness of linked two-way radio and ID-scanning surveillance technologies for reducing assaults.

⁷¹⁵ Evidence of Mr John Frame, Chair, Geelong Safety Committee, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

⁷¹⁶ Evidence of Councillor Jan Farrell, City of Greater Geelong, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Forum, Geelong, 29 October 2009.

changes where relevant) over a long period of time. Clear examples of such strategies can be found with drink driving, anti tobacco and skin cancer (Slip, Slop, Slap) campaigns.

These are the campaigns that draw on the best elements of social marketing theory and practice. Campaigns such as these work best when they are:

based on good research, planning, behaviour-change models, when all marketing mix elements are integrated, and when the sociocultural, legislative and structural environments facilitate (or at least don't inhibit) people from responding to the campaign. An effective campaign stimulates people's motivations to respond, removes barriers to responding, provides opportunities to respond, and, where relevant, the skills and means to respond (Donovan 2005, p.3).

Taking a harm reduction approach

One initiative that takes a harm reduction approach is Championship Moves. This campaign is based on a series of television advertisements that model strategies for avoiding aggressive encounters in the late-night entertainment environment.⁷¹⁷ Targeting young men, it suggests a range of 'moves to keep you and your mates out of trouble.' The moves, which include things like distracting your mate by offering food, are designed to prevent conflict from escalating.⁷¹⁸ Melbourne venue owners, Mr Vernon Chalker and Mr Michael Delany expressed their support for this type of community-based education campaign,⁷¹⁹ as did Dr Jaycen Cruickshank from Ballarat.⁷²⁰ The Director of Responsible Alcohol Victoria, Ms Julianne Brennan, was also positive in her assessment of the campaign:

That has been a very successful campaign targeted at young males. It was run as television commercials as well as having an online component. The online component (in terms of the numbers of hits to the website), and the fact that even some licensees are saying they are seeing people in the queues outside venues demonstrating the 'championship moves', has been successful. The partnership with the AFL coaching association is ensuring that the campaign is rolling out across regional Victoria in the football clubs.⁷²¹

Ms Brennan also informed the Committee that an evaluation of the campaign was being prepared and that there were plans to run it again.⁷²² Whilst its effectiveness is not yet assessed, researcher Dr Peter Miller notes that factors likely to contribute to the

⁷¹⁷ Evidence of Ms Julianne Brennan, Director, Responsible Alcohol Victoria, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

⁷¹⁸ *Championship Moves* website, accessed at www.championshipmoves.com.au, 4 May 2010.

⁷¹⁹ Evidence of Mr Vernon Chalker, President, Association of Liquor Licensees Melbourne, and Evidence of Mr Michael Delany, Venue owner and Association of Liquor Licensees Melbourne member, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

⁷²⁰ Evidence of Dr Jaycen Cruickshank, Director, Emergency Medicine, Ballarat Health Service, given to Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁷²¹ Evidence of Ms Julianne Brennan, Director, Responsible Alcohol Victoria, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

⁷²² Evidence of Ms Julianne Brennan, Director, Responsible Alcohol Victoria, Department of Justice, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

campaign's effectiveness are that it is evidence based and provides practical strategies for violence prevention.⁷²³

School and community based education

Another popular approach to reducing alcohol consumption and related harms is through school or community based education programs. Most aim to delay onset of drinking, reduce the level of high-risk drinking such as binge drinking, and reduce harms associated with alcohol use (Babor et al 2010). Traditionally there is thought to be an over-reliance on American literature on alcohol and drug education and a lack of critical analysis about the applicability of this to Australian settings (Midford, McBride & Munro 1998; Midford, McBride & Farrington 1999). Moreover, some of the drug education material produced in Australia has also tended to be of the factual information provision type. These didactic, abstinence-only or unidirectional teacher-student instruction approaches have in some circumstances been viewed as counterproductive among those people who do not consider themselves 'drug users or abusers', particularly those who drink alcohol only (Midford, McBride & Farrington 1999).

However, school based programs have undergone extensive development over the years, from initial programs that were primarily information based, through to approaches which encourage young people to resist social pressure to drink, to programs that focus on harm reduction in drinking situations (Babor et al 2010).

What makes for an effective education program?

Australian researchers have reviewed the international literature as to what make up effective school based education programs.⁷²⁴ Loxley et al state:

The more successful approaches to drug education have a grounding in what is known about the causes of adolescent drug use, adolescent developmental pathways in relation to drug use, and the psychological theoretical frameworks of social learning and problem behaviour. Because this body of evidence has been well established over several decades of research, the authors sensibly caution those considering developing drug education programs to base them on what is known rather than what seems intuitive or ideologically sound. Poorly conceptualised programs have historically been ineffective or at worst, actually harmful, for example, by increasing drug use (Loxley et al 2005, p.118).

Bearing such exhortations in mind, it is thought programs should:

- be research-based/theory driven;
- deliver coherent and consistent messages;
- present developmentally appropriate, balanced information;
- provide resistance skills training;
- incorporate normative education;
- educate before behavioural patterns are established;
- relate strategies to objectives;

⁷²³ Correspondence from Dr Peter Miller, Senior Research Fellow, Deakin University, and Lead Investigator, Dealing with Alcohol-related harm in the Night Time Economy (DANTE), to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, March 2010.

⁷²⁴ For a more detailed account of the methodological and design problems associated with developing Australian drug and alcohol education programs, see McBride 2005 pp.106ff.

- address values, attitudes and behaviours of the individual and community;
- address the inter-relationship between individuals, social context and drug use;
- focus on prevalent and harmful drug use;
- make judicious use of peer leadership;
- be delivered within an overall framework of harm minimisation;
- incorporate broader social skills training and be part of a comprehensive health education curriculum;
- employ interactive teaching approaches;
- ensure optimal training and support for teachers;
- provide adequate initial coverage and continuing follow-up in booster sessions;
- be sensitive to cultural characteristics of the target audience;
- incorporate additional family, community, media and special population components;
- ensure fidelity of implementation; and
- be evaluated (McBride 2002; Sanci et al 2002, see also Foxcroft et al 2003; Loxley et al 2004).⁷²⁵

It is also thought that highly structured programs may be more effective than those that are loosely structured, particularly in the area of alcohol education (Wilhelmsen et al cited in Loxley et al 2004). Toumbourou adds that ‘an interactive approach to building content [of drug education programs] that includes consultation with stakeholders and careful study of the factors influencing the emergence of youth behaviour is recommended’ (2005, p.83). Such stakeholders should include where possible youth workers and young people themselves. The Loxley et al review, for example, points to the importance of peer education as part of a well integrated and well structured interactive drug education program:

Evidence shows that peer educators can be important when they model attitudes unfavourable to drug use. Peer leaders need to be selected carefully and well supported with management skills from professional teachers. Peer educators need to be credible with high-risk young people, have good communication skills and show responsible attitudes; but simultaneously be unconventional. Hence, the ‘good’ students selected by adults may be inappropriate if peers don’t engage with them, while in poorly managed programs there is the risk that ‘cool’ students will encourage favourable attitudes to drug use (Loxley et al 2004, p.120).

Community views on alcohol education programs to reduce violence

The Committee received evidence from a number of witnesses concerning education programs of this type, including those who delivered such programs, researchers, and others who have an interest in the issue.

Victoria Police Youth Officer Des Hudson, who is also a Ballarat City Councillor, has contributed to education programs in local high-schools, with the aim of providing skills and knowledge to help young people make better, informed decisions around alcohol consumption and to stay safe within the party environment.⁷²⁶ His approach is to talk about harm minimisation:

⁷²⁵ As quoted in Submission of Turning Point Alcohol and Drug Centre, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Harmful Alcohol Consumption, July 2004.

⁷²⁶ Evidence of Councillor Des Hudson, Ballarat City Council, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

I have just been talking to school groups about going off to schoolies and doing some harm preventative stuff with them and saying, ‘When you go to schoolies events you need to have your radar on in terms of the level of alcohol that you are possibly going to be drinking and also the sexual predatory behaviour by the associated ‘toolies’ that are there as well. These are the harms that you are going to be exposed to, and the more you drink the less empowered you are going to be to make better decisions for yourself’.⁷²⁷

The ‘No Regrets: Respectful Relationships’ program is another school based education program that takes a harm minimisation approach to the issue of alcohol-related violence.⁷²⁸ Jointly developed by the youth organisation Step Back Think and the Foundation for Young Australians, the program’s primary focus is violence prevention, with alcohol and drug issues being dealt with from that perspective. Based on recognition of the changing nature of going out at night, the program aims, among other things, to develop student competency to:

- Manage their peer group to ensure a safe night out, including the detection of the early signs of violence emerging in a social situation.
- Understand the influence that drugs and alcohol can have on a potentially violent situation.
- Improve their ability to influence pro-social peer group attitudes and behaviours.

Through educating young people about the potentially tragic consequences of violence, the No Regrets program aims to reduce the incidence of violence and assault in Melbourne and throughout Victoria. The program is delivered in two flexible phases, as part of a whole of school approach. In Phase 1 students participate in a 90-minute workshop addressing violence prevention, facilitated by staff from FYA [Foundation for Young Australians] and trained volunteers from Step Back Think. Following this workshop, up to 6 students from each participating school are selected to join students from other schools, to participate in a day and a half program to develop social action projects that they will roll out in their schools promoting the key messages of the program.... In this phase students work closely with and are supported by community service organisations, and teachers (Foundation for Young Australians 2010).

Launched as a pilot in 2009, the No Regrets program has yet to be evaluated.⁷²⁹

In Melbourne and Ballarat the Committee received evidence from emergency department doctors who participate in education programs with young people. Professor Cameron told the Committee about a program at the Alfred Hospital to make young people aware of the potential consequences of excessive alcohol consumption when partying. Whilst running the program creates more work, and has resourcing implications for the hospital, Professor Cameron sees this type of education program as necessary to tackle what he sees as a 10-year change in drinking culture among young people.⁷³⁰ Dr Jaycen Cruickshank, Director of Emergency Medicine at Ballarat Health Services, has also participated in education programs for high-school students. He sees peer pressure to drink as a major factor, and

⁷²⁷ Evidence of Councillor Des Hudson, Ballarat City Council, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁷²⁸ Evidence of Mr Jono Chase, President, Step Back Think, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

⁷²⁹ Evidence of Mr Jono Chase, President, Step Back Think, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 8 October 2009.

⁷³⁰ Evidence of Professor Peter Cameron, Academic Director, Emergency and Trauma Centre, Alfred Hospital, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 9 November 2009.

talks to school groups about his own schooldays experiences, about who are winners and losers at school and in life generally. Whilst he has not been involved in bringing school groups into the hospital, he notes that this approach has been taken in relation to road trauma to bring home the reality of what can happen.⁷³¹

The Committee also received evidence on a community based education program provided through the Southern Football League.⁷³² In an attempt to address alcohol use among young people in the Club, the League has been moving away from alcohol sales as a major source of revenue. It has also introduced an education program through the Junior Football league for players around the 15–18 year age bracket. The program deals with drug and alcohol issues alongside issues such as youth suicide and depression, and has been supported by the Beyond Blue organisation and the Purana Taskforce. Mr Wayne Holdsworth, Chief Executive Officer for the League, suggested that the program has had a significant impact on the young participants.⁷³³

Limitations of school and community-based education programs

Research based evaluations of educational programs suggest there is doubt as to the success of most school based education programs. In general, while knowledge may increase, behaviour does not change (Babor et al 2010).⁷³⁴ Likewise, a review of evidence on the effectiveness of college or university based educational strategies for reducing heavy drinking among students found that programs which provide information alone have little impact (Babor et al 2010).

The views of witnesses to the Inquiry support research findings on the limitations of educational programs. Although he is involved in education programs for high school students, Dr Jaycen Cruickshank sees such programs as being a limited strategy for reducing young people's demand for alcohol. He suggested to the Committee that young people already have access to a lot of information and educational material about alcohol-related harm, but that role models – parents and other young people – have more influence over behaviour.⁷³⁵ He pointed out that educational programs need to take into account the fact that alcohol impairs judgement and therefore reduces a person's ability to act on the knowledge he or she may have learnt through an education program. Young people need skills and information to make choices earlier so as not to put themselves in positions where they will not have good judgement.⁷³⁶

⁷³¹ Evidence of Dr Jaycen Cruickshank, Director, Emergency Medicine, Ballarat Health Service, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁷³² Evidence of Mr Wayne Holdsworth, Chief Executive Officer, Southern Football League, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Springvale, 26 October 2009.

⁷³³ Evidence of Mr Wayne Holdsworth, Chief Executive Officer, Southern Football League, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Springvale, 26 October 2009.

⁷³⁴ See also: Evidence of Mr Michael Livingston, Research Fellow, Turning Point Drug and Alcohol Centre, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

⁷³⁵ Evidence of Dr Jaycen Cruickshank, Director, Emergency Medicine, Ballarat Health Service, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁷³⁶ Evidence of Dr Jaycen Cruickshank, Director, Emergency Medicine, Ballarat Health Service, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

Improving the effectiveness of education programs

Despite the limitations of educational programs for reducing alcohol consumption and associated harms among young people, witnesses to the Inquiry were generally supportive of continuing to provide such programs. Professor Don Weatherburn of the New South Wales Bureau of Crime Statistics and Research suggested that education programs should be part of a multi-pronged approach that also includes tighter regulation of the liquor industry.⁷³⁷

Witnesses to the Inquiry made a number of suggestions for increasing the effectiveness of educational programs, including involving the broader community in educational programs and delivering alcohol education to children in the late primary years.⁷³⁸ Dr Russell Dalton emphasised the importance of parents and older members of the community in modelling responsible behaviour and attitudes towards alcohol, and suggested that parents need to be involved in education programs that are based on sound scientific evidence and adequately funded.⁷³⁹ Parent Advocate Ms Binky Henderson agreed with involving parents in alcohol education and targeting primary school aged children as well as adolescents. She strongly believed there is a need to educate parents and encourage them to take more responsibility around their own drinking behaviour and their willingness to supply alcohol to adolescents.⁷⁴⁰

Mr Paul Dillon, alcohol educator, also believed that parents should be encouraged to be better role models in relation to alcohol and that educational campaigns dealing with alcohol-related harm should target the whole community to be effective, not just young people.⁷⁴¹ Babor et al also found that the more successful programs include parents and the broader community, and also often involve policy change and enforcement measures to reduce sales of alcohol to underage drinkers (Babor et al 2010).

The features of programs that research-based evaluations have found to be successful include: a focus on harm minimisation rather than abstinence; the use of interactive activities; and lesson content that is relevant to the experiences of young people (Babor et al 2010). Alcohol researcher Mr Michael Livingston confirmed the value of programs that take a harm minimisation approach, suggesting that this approach is likely to be more effective than one that attempts to directly reduce alcohol consumption among young people.⁷⁴² He cited a program that has been found to be successful, the School Health and Alcohol Harm Reduction Project (SHAHRP), developed in Western Australia and

⁷³⁷ Evidence of Professor Don Weatherburn, Director, NSW Bureau of Crime Statistics and Research, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Sydney, 1 December 2009.

⁷³⁸ Evidence of Dr Russell Dalton, Community Member, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁷³⁹ Evidence of Dr Russell Dalton, Community Member, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁷⁴⁰ Evidence of Ms Binky Henderson, Parent Advocate, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁷⁴¹ Mr Paul Dillon, Director, Drug and Alcohol Research Training Australia, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Sydney, 30 November 2009.

⁷⁴² Evidence of Mr Michael Livingston, Research Fellow, Turning Point Drug and Alcohol Centre, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 7 October 2009.

evaluated by the National Drug Research Institute. Over a two-year period this project delivered 13 harm minimisation lessons. Evaluation of the project provided promising results:

Students who participated in the SHAHRP programme had a 10 per cent greater alcohol-related knowledge, consumed 20 per cent less alcohol, experience 33 per cent less harm associated with their own use of alcohol, and experienced 10 per cent less harm associated with other people's use of alcohol than did the control group (McBride et al 2004, in Babor et al 2010, pp.206–07).

Whilst acknowledging that information and educational strategies on their own may be unlikely to be sufficient to fully address the issue of alcohol-related violence, the Committee sees evidence based, best practice programs of this kind as important components of a multi-pronged approach to the problem. It therefore recommends that the Victorian Government continues to provide support for community based education campaigns to address harmful alcohol consumption, and to support youth based organisations such as Step Back Think to develop and implement anti-violence strategies and initiatives such as the No Regrets: Respectful Relationships program.

Addressing violence: The need to train police and law enforcement officials

As discussed in Chapter 10, clearly police and other law enforcement officials are the gatekeepers in preventing alcohol-fuelled assaults, particularly in licensed environments and other public places.⁷⁴³ As such, Doherty and Roche in their comprehensive monograph on the policing of licensed environments stated that it is absolutely imperative that police and allied professionals receive appropriate training in drug and alcohol issues.

Restricting the marketing of alcohol

Altering the culture of drinking amongst young people through social marketing or educational programs is difficult because the reasons why young people drink are very deeply embedded in the broader culture.⁷⁴⁴ Professor Robin Room explained to the Committee that drinking is a medium of sociability, it is a way of expressing both individual identity and belonging within groups. In Professor Room's view, few young people drink to forget problems; more often they drink in the context of and as an adjunct to socialising, to group bonding, and to courtship.⁷⁴⁵

The marketing practices used by the alcohol industry were seen by many witnesses to the Inquiry as encouraging risky drinking patterns among young people by tapping into the aspects of youth drinking culture outlined by Professor Robin Room.⁷⁴⁶ Based on these concerns, limits on the content of or audience for alcohol marketing were recommended.

⁷⁴³ See discussion in Chapter 10 of this Report.

⁷⁴⁴ Evidence of Professor Robin Room, Director, Centre for Alcohol Policy Research, Turning Point Drug and Alcohol Centre, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 23 November 2009.

⁷⁴⁵ Evidence of Professor Robin Room, Director, Centre for Alcohol Policy Research, Turning Point Drug and Alcohol Centre, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Melbourne, 23 November 2009.

⁷⁴⁶ For discussion of this evidence see Chapter 6.

Professor Don Weatherburn supported placing restrictions on alcohol marketing strategies,⁷⁴⁷ while submissions from Brimbank City Council and Youthlaw both called for restrictions on alcohol advertising.⁷⁴⁸

In his other capacity as the Manager of a local commercial radio station, the Chair of the Ballarat Community Safety Advisory Committee Mr John Fitzgibbon told the Committee about the dilemma he faces when a client chooses to advertise promotions such as ‘cheap jugs’ all night. Whilst he does not agree with running advertisements that could contribute to harmful levels of alcohol consumption, he said: ‘Under the Trade Practices Act I am getting on very shaky ground if I deny it just because I do not want to do it’.⁷⁴⁹ It was suggested that tightening the legislation around alcohol advertising would remove the discretion in situations like that described by Mr Fitzgibbon, and would be supported by the Ballarat Community Safety Advisory Committee.⁷⁵⁰

Restrictions on the advertising and marketing of alcohol have been implemented in many jurisdictions, such as Austria, France and some Scandinavian countries. The approaches taken range from voluntary advertising codes, in place in the United States and United Kingdom, to legislated restrictions on the type of beverages that can be advertised, the media that can be utilised and/or the times when advertising can be shown (Babor et al 2010).

Voluntary codes

Advertisers, however, still find ways to appeal to young people and promote drinking. A thematic analysis of internal marketing documents provided by alcohol producers and their communications agencies to the House of Commons Health Select Committee, found that themes banned by the UK advertising code of practice were commonly used, but in a subtle and sophisticated manner designed to circumvent the intent of the advertising code (Hastings et al 2010). Analysis of brand strategy documents and campaign briefs found that campaigns aspire to be associated with and appeal to youth; that they contain frequent references to unwise and immoderate drinking; associate alcohol consumption with social success and personal transformation; and frequently use sexual stereotypes and appeals. In addition to the frequent use of these banned themes, Hastings and colleagues found that ambiguity in the code on advertising allowed the industry to use sponsorship and new forms of digital media to market alcohol to young people. They conclude:

The documents we analysed show that attempts to control the content of alcohol advertising have two systemic failings. Firstly, the sophisticated communications and subtle emotional concepts such as sociability and masculinity that comprise modern advertising (and sponsorship) often defy intelligent analysis by the regulator.... Secondly, producers and

⁷⁴⁷ Professor Don Weatherburn, Director, NSW Bureau of Crime Statistics and Research, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Sydney, 1 December 2009.

⁷⁴⁸ Submission from Brimbank City Council, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, November 2009; Submission from Youthlaw to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, October 2009.

⁷⁴⁹ Evidence of Mr John Fitzgibbon, Chair, Ballarat Community Safety Advisory Committee, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

⁷⁵⁰ Evidence of Dr Doug Lloyd, Chief Executive Officer, Committee for Ballarat, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, Public Hearing, Ballarat, 28 October 2009.

agencies can exploit ambiguities in the codes and push the boundaries of both acceptability and adjudication (Hastings et al 2010, p.186).

The results of this study accord with the conclusion reached by Babor et al that 'there is no evidence to support the effectiveness of industry self-regulatory codes, either as a means of limiting advertisements deemed unacceptable or as a way of limiting alcohol consumption' (2010, p.191). In contrast to voluntary advertising codes, Babor et al rate legal restrictions on exposure to advertising (depending on the extent of restrictions) as having a moderate or high degree of effectiveness.

In light of the limitations of social marketing and educational programs to change a culture of harmful drinking among young people, the Committee believes that restrictions on advertising are warranted, as is currently the case in relation to tobacco. Such restrictions, however, need to be based on sound evidence concerning the impact and effect of alcohol marketing, particularly on young people.

There are however some jurisdictional limits on the powers of the states to regulate in the area of alcohol advertising. Alcohol promotion is primarily governed by the national self regulation system and subject to Commonwealth laws with regard to advertising, particularly broadcast advertising and telecommunications. There is arguably no reason, however, why other forms of advertising such as the use of billboards, hoardings and advertising on sports grounds and other public places could not be regulated at state level on a similar basis as is the case with tobacco. At the very least the issue of possible state controls on the advertising and promotion of alcohol should be investigated.

Conclusion

The evidence as to the effectiveness of education programs (campaigns, school education or community programs) is equivocal. While education and information provision is no doubt indispensable in providing basic facts and raising awareness, until recently at least there has been scant evidence that it modifies people's behaviour. In recent years the number of educational and information programs with regard to alcohol use and abuse both in Australia and internationally have grown enormously, although few of these have been rigorously evaluated as to their effectiveness.

While these reservations are noted, there does, however, seem to be some promise in recent approaches to drug and alcohol education. In recent years harm reduction approaches, for both young people and adults, that go further than simply saying 'no' and use well designed interactive methods which *engage* people have found the most favour with drug educators and are showing some potential and sustainable benefit (Stockwell et al 2005).

Social marketing campaigns and student based education programs aimed at providing information on the links between alcohol, violence and crime and addressing drinking cultures among young people are also regarded by many groups and individuals as valuable tools for reducing alcohol-related problems. Such campaigns may take a demand reduction or a harm reduction approach.

It would appear from the research undertaken that those campaigns which are evidence based and provide practical strategies to reduce harm are more likely to be effective. In terms of school based programs, it was a generally held view of Inquiry participants and

researchers that parents and the wider community, as well as students, need to be involved for these to achieve positive, long-term outcomes.

Marketing strategies used by alcohol advertisers to target young people and promote alcohol and risky drinking practices present an ongoing challenge to education campaigns by counteracting the accurate information these campaigns provide. Consideration should be given to investigating further regulation with regard to alcohol advertising that targets this audience.

Whilst education is clearly important, critics such as Babor et al (2010) are no doubt correct to point out that education and information strategies cannot be the *whole* answer to addressing alcohol-related harms. Environmental change is also required. As the English Alcohol Harm Reduction Strategy has commented, people's attitudes and behaviours with regard to alcohol are inextricably linked to the culture and the environment of which they are part:

Changes to behaviour and culture therefore go hand in hand: raising awareness is not enough to change behaviour... Communication and education initiatives need not only to provide information, but also need to be linked to wider action to change attitudes and cultures which encourage excessive drinking (Cabinet Office 2004, p.24).

Recommendation

The Committee recommends that the Victorian Government investigate the option of regulating alcohol advertising on a similar basis as currently applies to tobacco. (*Recommendation 26*)

Recommendation

The Committee recommends that the Victorian Government provide continued support for community based education campaigns that take a harm reduction approach to alcohol use among young people. (*Recommendation 27*)

15. Community-based Responses to Assaults

Introduction

Violence occurring in public places can have widespread repercussions well beyond those individuals immediately involved. It is therefore important when tackling this violence to account for the experiences of the wider community and include community members in the development and implementation of initiatives. In short, an ‘all of community’ response is needed to combat the problem, involving local government, community members and the private and non-government sectors. Because community safety is a major concern for local councils and community groups, many strategies and programs requiring considerable time and resources have been developed across Victoria to improve safety and perceptions of safety.

This chapter examines community based approaches to addressing alcohol-fuelled violence. Community based approaches are drawn from an overarching philosophy that societies must invest in the health of their communities in order to reduce the harm for individual community members. Whilst the focus of this chapter is on how local governments can develop and promote strategies to address alcohol-related harm, it also examines briefly the way in which a public health and community development focus has been increasingly promoted at an international level and in turn informs local level strategies. Although the projects and programs in this chapter have been implemented to reduce alcohol-related harm more broadly, they nonetheless include the reduction of violence as a primary goal.

International approaches to community involvement

The need for a local community response and local preventative strategies to address the problem of alcohol and other drug use has been viewed as being of particular importance by international public health agencies.

For example, the World Health Organization (WHO) states that the importance of community strategies in tackling substance abuse problems lies in the fact that it encourages shared decision making and collaborative approaches. Community forums, committees and projects have several advantages over individual contacts such as:

- The group’s interaction generates more information and ideas from which to identify and develop strategies.
- The group’s interaction, particularly if it has diverse representation, can be informative about actual community dynamics.
- It may help identify major opinion leaders in the community, who may be missed otherwise, but should be included in the planning process.
- It can help identify and examine other community concerns or sub-groups that should be considered in developing the programme.
- It allows more people from different segments of the community to ‘buy into’ the programme-building effort and serve as advocates for the programme (WHO 1992, p.8).

The community development approach with its emphasis on encouraging, empowering and resourcing local communities to address drug-related harm is also mandated in the *Ottawa Charter for Health Promotion*. This World Health Organization document recognises that strategies to address health problems, including those pertaining to substance abuse, have to suit the particular physical, social and cultural environments of local communities:

The prerequisites and prospects for health cannot be ensured by the health sector alone. More importantly, health promotion demands coordinated action by all concerned: by governments, by health and other social and economic sectors, by nongovernmental and voluntary organizations, by local authorities, by industry and by the media. People in all walks of life are involved as individuals, families and communities. Professional and social groups and health personnel have a major responsibility to mediate between differing interests in society for the pursuit of health. Health promotion strategies and programmes should be adapted to the local needs and possibilities of individual countries and regions to take into account differing social, cultural and economic systems.⁷⁵¹

Public health models that have a community development focus stress the complexity of the factors that contribute to alcohol and other drug abuse within a community. 'In other words, there is no one single cause and no one single solution' (Homel 1997, p.3). Rather, communities themselves have to address the broader cultural environment in which people live. Increasingly, public health promotion addressed at alcohol and other drug abuse is being mediated through community action projects.

Community action approaches

The mobilisation of community action to address harmful alcohol consumption and its associated problems is not a new phenomenon. What has changed in recent years, however, is the growing acceptance of population level approaches to harmful alcohol and other drug use. This concept is based on the view that public health problems generally and alcohol-related problems in particular are unlikely to be controlled by the diagnosis and treatment of 'high risk' individuals. Rather, the greatest change is achieved by operating at the level of the overall community through community based projects and programs.

From this perspective a community based strategy to address alcohol-related violence is about more than punishing violent individuals, it is also about systemic change 'so that the structures and operation of the *whole* community are altered in a way that supports safer drinking' (Midford 2004, p.3).

Moreover, an incidental benefit of using local communities as a focus for change is that the community itself, particularly when it is relatively small and/or isolated, can serve as a natural setting for evaluations on the effectiveness of prevention programs and initiatives pertaining to alcohol and other drug use (Holder & Howard 1992).

A leading exponent of the community action model as it applies to alcohol-related harms is American academic Harry Holder who views the community:

as a complex and enduring system of interacting components such as health services, workplaces, volunteer groups, recreational facilities etc. The system is held together by some degree of community co-operation and consensus on common goals, norms and values. The system provides the context for all activities, including individual drinking

⁷⁵¹ From the *Ottawa Charter for Health Promotion*, First International Conference on Health Promotion, Ottawa, Canada, 21 November 1986.

behaviour and produces certain outputs including alcohol problems. If, because of bureaucratic boundaries prevention is only initiated in one community component, such as health, it is less likely to impact on other relevant components, such as the political, legal, educational, media and recreational. Greatest change is likely to be achieved by operating at the level of the overall community system. Here change means not just influencing the operation of system components, such that they all coherently support safer drinking by individuals, but also systemic change, so that the structures and operation of the whole community are altered in a way that supports safer drinking (cited in Midford 2004, p.3).

In Australia one of the leading theorists of community action approaches is Richard Midford. He argues that as the state becomes less involved in the regulation of alcohol control, for example by liberalising licensing and liquor trading hours, the community has emerged as ‘the natural vehicle to take action against [alcohol] problems’ (2004, p.3).⁷⁵²

International best practice models

The increase in alcohol-related disorder during the 1990s has led to an increase in community-based responses to this issue in many parts of the world (Graham & Homel 2008). These often take a broad approach, involving a wide range of community members. Initiatives often focus on community empowerment and typically include mass mobilisation, social action, citizen participation, public advocacy, popular education and local service development (Checkoway 1995 in Graham & Homel 2008).

The Stockholm Prevents Alcohol and Drug Problems (STAD) project

The STAD project, implemented in Stockholm, Sweden, is heralded as the community action project that has had the greatest success in reducing alcohol-related harm.⁷⁵³ The project was centred on the effects of deregulation (and increased numbers) of licensed venues in Stockholm and the significant increase in alcohol-related accidents and violence. A community action group was formed to oversee the project consisting of representatives of city government, the Stockholm licensing board, police from a dedicated task force for restaurant-related crimes, local police officers, the National Institute of Public Health, the Organisation for Restaurant Owners, the union of restaurant employees and selected restaurant and nightclub owners with businesses in the area subject to the project (Wallin et al 2004, p.398).

One part of this multi-faceted project involved male actors visiting licensed premises in an attempt to buy alcohol while portraying drunken behaviour. Observers were present at all visits to note whether the actors were served or not served alcohol. The results suggested that since a baseline survey in 1996 when only 5 per cent of premises refused service to intoxicated patrons, there had been a significant increase in the amount of refusal of service in the follow-up survey in 2001 (70 per cent refusal rate). One of the positive results was a significant reduction (29 per cent) in crime in areas where responsible serving of alcohol (RSA) policies and enforcement had been put in place (the intervention area) (Wallin & Andréasson 2005). Although there have been many reasons put forward to

⁷⁵² A more intensive discussion of the theories of community action and development as they pertain to alcohol-related harms is beyond the scope of this chapter. For further analysis see Drugs and Crime Prevention Committee *Inquiry into strategies to reduce harmful alcohol consumption – Final report* (2006).

⁷⁵³ For a detailed discussion of Project STAD, see Wallin and Andréasson 2005; Wallin, Norstrom and Andréasson 2003.

account for the success of this project, a major reason is the use of RSA programs *in combination with* rigorous enforcement by police and civil authorities.⁷⁵⁴

Other attributes contributing to the project's success were:

- the unanimous election of a very committed and well-liked chair of the steering group
- the establishment of a broadly-based action group
- a written agreement reinforcing formal roles by making explicit that the cooperating organisations, independent of specific persons within those organisations, would take responsibility for the continuing work
- the detailed research undertaken on the nature of the problem
- continued support from stakeholders
- sustained police enforcement
- the flexibility of the initiatives to be adapted to the local context, and its ability to evolve (Graham & Homel 2008).

STAD also shows that community action plans which bring together local stakeholders, licensees and police to collaboratively produce changes in practice are most effective when funded and supported over the long term. Conversely, these approaches can be less effective if funding or support is short term. The STAD program, being the subject of over 10 years of ongoing funding, has produced ongoing reductions in violence and is now integrated into day-to-day activities of police and licensing authorities. It has therefore been given a much greater than usual time span to 'grow' and develop than other similar interventions.⁷⁵⁵

For example, efforts to ensure sustainability were implemented only after sufficient time had elapsed to allow growth in the demand for programs such as the RBS [responsible beverage service] training.

Communities that Care (USA)

'Communities that Care' (CTC) is a systematic approach to community action that focuses on the development of children and teenagers, aiming to reduce offending and the use of licit and illicit drugs, including alcohol (Greenberg et al 2005).

The CTC model has gained increasing popularity since it was first trialled in the United States in the 1990s. However, because the CTC model operates over a long timeframe, most of the current CTC programs have not been in operation long enough to be evaluated. Nevertheless, a recent study of a CTC program in the United States showed promising results (Hawkins et al 2009). The focus of this particular intervention was young adolescents aged 10–14 in 24 towns in the United States. These 'intervention' towns were paired with 24 'control' towns with similar demographics, so that comparisons could be

⁷⁵⁴ See later in this section for a discussion of enforcement issues.

⁷⁵⁵ In addition, the program was implemented in a country with highly developed public services and a long history of strong government controls on access to alcohol:

'This culture and history facilitated an action approach that over time resulted in a powerful partnership between formal regulation by police and licensing officials and informal regulatory processes at the local level and the level of industry associations. This combination of formal and informal pressures created a powerful incentive for restaurants owners and other licensees to engage in an effective and sustained process of self regulation' (Graham & Homel 2008, p.233).

made between the towns in each pair. Results showed that Year 8 students in the intervention communities were significantly less likely to have consumed alcohol in the preceding 30 days than Year 8 students in the control communities (Hawkins et al 2009). Year 8 students in intervention communities were also less likely to engage in delinquent behaviours, including ‘attacking someone’ and ‘beating someone up’ (Hawkins et al 2009). These findings are particularly relevant given that the behaviour of teenagers is indicative of future offending and substance use (Hawkins et al 2009).

Programs based on the CTC model have commenced in Australia, including the three ‘pioneer’ communities of Bunbury (Western Australia), the Mornington Peninsula (Victoria) and Ballarat (Victoria).⁷⁵⁶ Although these programs have not been operating long enough to be evaluated, they have successfully maintained community involvement thus far.⁷⁵⁷

An Australian community action project

There have been a variety of community mobilisation/action programs to address reducing alcohol-related harms throughout Australia. One of the most prominent that incorporate some of the features outlined above is the Surfers Paradise Licensed Venues Project.⁷⁵⁸

The Surfers Paradise Licensed Venues Project

This community based intervention was initiated to reduce the violence and antisocial behaviour associated with the high number of licensed hotels and entertainment venues in the Queensland resort town of Surfers Paradise. This was done through three main strategies. Firstly, a community forum was created that included the establishment of task groups and the implementation of a safety audit of licensed venues and their surrounds. Secondly, codes of practice and ‘model house’ policies were developed and implemented for licensed establishments, and third, perhaps most importantly, agreements were made with licensees, police and licensing inspectors for greater inspection and supervision of licensed premises and the greater enforcement of liquor licensing regulations (Homel et al 1997). An important aspect of the project was the employment from the outset of a full-time community organiser to oversee the implementation of the project.

The project resulted in significant improvements in the effectiveness of policing and quelling disorder in the resort town, at least in the initial period of the experiment (Homel et al 1997; Babor et al 2003; Treno et al 2005):

Following the intervention, the number of incidents per 100 hours of observation dropped from 9.8 at pre test to 4.7 in Surfers Paradise and from 12.2 at pre test to 3.0 in the replication sites. However, the initial impact of the project was not sustained. Two years following the intervention in Surfers Paradise, the rate had increased to 8.3. This rate

⁷⁵⁶ Communities that Care Australia, Centre for Adolescent Health, Royal Children’s Hospital, www.rch.org.au, accessed 30 May 2010.

⁷⁵⁷ Communities that Care Australia, Centre for Adolescent Health, Royal Children’s Hospital, www.rch.org.au, accessed 30 May 2010.

⁷⁵⁸ Other Australian community action projects to address alcohol-related violence and other harms that have shown some success are ones that have been developed amongst Indigenous communities in the Northern Territory and Western Australia. In particular the ‘Dollars made from broken spirits – The “Alcohol in Alice Project”’; The Kalgoorlie Alcohol Action Project and the Living with Alcohol Program (Northern Territory) have been viewed positively. For an in-depth discussion of these and similar programs, see Drugs and Crime Prevention Committee, *Inquiry into strategies to reduce harmful alcohol consumption – Final report* (2006).

change highlighted the need to find ways to maintain gains achieved from community action projects (Babor et al 2010, p.157).⁷⁵⁹

Notwithstanding a drop in the initial rate of sustainability, however, the Surfers Paradise Project has formed the basis for many similar projects across Australia that have aimed to address violence in and around licensed premises.

Current local government initiatives in Victoria

Local councils have the ability to understand issues arising in their local area and are therefore well placed to coordinate a community approach to reducing violence and improving safety. Community organisations and local businesses can also devise ways of encouraging community engagement with problems such as violence, either independently or in tandem with council or police.

The Committee conducted public hearings and forums in five LGAs and received evidence from council staff, counsellors and local community members.⁷⁶⁰ Each of these councils faced different challenges and each had implemented a range of initiatives to improve community safety. Whilst some of the initiatives are discussed below, in many cases they are merely illustrative of initiatives undertaken across Victoria.

Community safety groups

The last decade has shown an increase in community based responses to safety, including the development of community safety plans and the creation of local safety groups. Community safety groups have been established in many local government areas (LGAs) to improve safety in private and public spaces.⁷⁶¹ Community safety groups often include a broad range of stakeholders in the community, such as local residents and council staff in addition to representatives from local interest groups, police, support service providers and other relevant parties. Some councils or local community members have also established related groups or committees, such as drug and alcohol action groups, licensees groups or parent groups, which have reducing violence as one of their objectives. Groups such as these can lead to cooperative and respectful relationships between organisations.⁷⁶² The City of Geelong is a regional city that has sought to enlist the community in addressing alcohol-related violence, resulting in many initiatives being developed and implemented.

⁷⁵⁹ In the context of community mobilisation approaches to reduce violence around licensed premises, Babor et al state that they appear successful in at least producing temporary changes in policies with regard to staff practices, responsible serving of alcohol and reduction of violence. It may be, however, that it is too difficult to systematically implement such approaches 'except through applied research projects which tend to be expensive and difficult to sustain beyond the project evaluation period' (2010, p.150).

⁷⁶⁰ For a list of LGAs, see Appendix 3.

⁷⁶¹ Submissions of Bass Coast Shire Council, Bendigo Safe Community Forum, City of Ballarat, City of Greater Geelong, City of Greater Dandenong, City of Melbourne, City of Yarra, Frankston City Council, Greater Shepparton City Council and Latrobe City Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, October–November 2009.

⁷⁶² See, for example: Evidence of Mr John Frame, Chairman, Geelong Safety Committee; Inspector Barry Malloch, Licensing Inspector, Victoria Police; and of Mr Mario Gregorio, venue owner, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Forum, Geelong, 29 October 2009.

Case study: City of Greater Geelong

During the 1980s and early 1990s, a number of violent incidents in Geelong led to the public perception that Geelong was a ‘very violent town’.⁷⁶³ To combat both violence and perceptions of violence, the Geelong Safety Committee was established in 1991. Since then Geelong has been seen as a leader in community safety initiatives, with representatives from Victorian and interstate jurisdictions expressing support for initiatives commenced within that city.⁷⁶⁴ On this basis the Committee believes Geelong is a suitable example to use as a case study of a local region seeking to reduce alcohol-related assaults, violence and antisocial behaviour in its community.

The Geelong Safety Committee

Members of the Geelong Safety Committee comprise a cross-section of the community, including representatives from:

- the City of Greater Geelong council
- Victoria Police
- the Geelong Nightlife Association
- the Victorian Liquor Licensing unit
- the Department of Human Services
- the Department of Education and Training
- the Department of Justice
- Ambulance Victoria
- the Chamber of Commerce
- youth agencies
- drug and alcohol service agencies
- the Geelong Taxi Network
- Deakin University
- community groups⁷⁶⁵

The Safety Committee also shares ideas and information with organisations or groups such as the Country Fire Authority, Neighbourhood Watch, VicRoads and the Chamber of Commerce. This broad membership and collaboration between organisations has contributed to the success of the committee.⁷⁶⁶ The goals and scope of the Safety Committee were explained by the committee’s Chair, Mr John Frame:

The vision for the Safety Committee is to work cooperatively to enhance community safety... It covers everything from road safety to fire safety, a big emphasis also on family violence issues and violence against women... Our key objectives are to identify and

⁷⁶³ Evidence of Mr Darren Holroyd, Chairman, Nightlife Association, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Forum, Geelong, 29 October 2009.

⁷⁶⁴ Evidence of Mr John Frame, Chairman, Geelong Safety Committee, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Forum, Geelong, 29 October 2009.

⁷⁶⁵ Evidence of Mr John Frame, Chairman, Geelong Safety Committee, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Forum, Geelong, 29 October 2009.

⁷⁶⁶ Evidence of Mr John Mitchell, Mayor of Geelong, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Forum, Geelong, 29 October 2009.

respond to safety issues throughout Greater Geelong to facilitate initiatives to enhance safety in neighbourhoods, to facilitate initiatives to enhance safety within the home and... to promote and support various safety initiatives.⁷⁶⁷

Mr Frame also spoke about the Safety Committee having the capacity to lobby for funding. For example, the committee was recently successful in securing funding for a late-night bus service and for CCTV cameras.⁷⁶⁸

Community initiatives

Since 1991, over 30 community safety programs or initiatives have been proposed or implemented in Geelong.⁷⁶⁹ This includes a range of current initiatives, some of which are outlined in Figure 15.1.⁷⁷⁰

Of these initiatives, the ID scanners were described by a nightclub owner as ‘the single most contributing factor’⁷⁷¹ that has helped improve safety within licensed venues. This is partly because of the advantage of having many of the scanners linked together. Hence, if a patron is violent or disruptive they may not just be banned from one venue but simultaneously banned from all venues connected to the network. As this includes many of Geelong’s major venues, banning has had considerable consequences for patrons, as Sergeant Tony Francis explained:

[W]e ended up banning five people; one was for a serious assault but the other four were for street offences, intoxic levels et cetera. Three out of those four broke down and cried. It was fairly early in the night. They now cannot go into a club. The motivation to get off the street and go home is there, where before we will say, ‘Look, you’ve been banned, go home’, if they snuck into a club we would not know.⁷⁷²

Mr Mario Gregorio, a local venue owner, also spoke in support of the ID scanners:

It has been fantastic, it really has... in two years since the introduction of ID scanners, patronage has increased.⁷⁷³ People feel safer at the venue... It can also help solve crime. If an assault happens on the streets, the police ring up and say, ‘We believe this person has been within your venue’. With CCTV council footage and my footage and the ID scanners we are able to hopefully identify that person.⁷⁷⁴

⁷⁶⁷ Evidence of Mr John Frame, Chairman, Geelong Safety Committee, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Forum, Geelong, 29 October 2009.

⁷⁶⁸ Evidence of Mr John Frame, Chairman, Geelong Safety Committee, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Forum, Geelong, 29 October 2009.

⁷⁶⁹ Evidence of Mayor John Mitchell, Mayor of Geelong, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Forum, Geelong, 29 October 2009.

⁷⁷⁰ This information has been gained from the forum that was held in Geelong on 29 October 2009 and the submission by City of Greater Geelong to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, November 2009.

⁷⁷¹ Evidence of Mr Mario Gregorio, venue owner, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Forum, Geelong, 29 October 2009.

⁷⁷² Evidence of Sergeant Tony Francis, Geelong Liquor Licensing Unit, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Forum, Geelong, 29 October 2009.

⁷⁷³ This was particularly the case for female patrons. (Evidence of Mr Peter Perrett, Chief Executive Officer, ID-tech, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Forum, Geelong, 29 October 2009.)

⁷⁷⁴ Evidence of Mr Mario Gregorio, venue owner, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Forum, Geelong, 29 October 2009.

Figure 15.1 Current initiatives in Geelong

CCTV cameras – CCTV cameras were first installed in 2004, and the City now has 20 CCTV cameras in operation. Imagery is constantly recorded and is monitored at the police station during peak times. When an incident occurs, the monitor can contact the police to attend to the matter.

Operation Nightlife – Operation Nightlife involves increased community policing in and around licensed venues. The program resulted in a decrease in people detained for drunkenness on weekend nights from approximately 20 or 30 people per night to four or five people per night.

Bylaws – Local bylaws were introduced to prohibit the consumption of alcohol in public places.

Safe taxi rank – Geelong has a supervised taxi rank within the entertainment precinct.

NightBus – A night bus operates from 1.30am to 4am on Sunday mornings and during special events. Buses depart from the Geelong CBD along six routes. Security guards travel on board.

Drug Action Plan Committee – In addition to the local safety committee, Geelong has a Drug Action Plan Committee. This includes representation from the Surf Coast Shire, the City of Greater Geelong, Deakin University, Victoria Police and community based agencies. The committee recently facilitated the development of the Barwon South Western Region Drug and Alcohol Profile. This profile is a publicly available online resource providing regional data in relation to drug and alcohol use, health impacts and crime statistics.

Liquor accord – Geelong's liquor accord commenced in 1991, making it the longest running accord in Victoria. The steering committee comprises representatives from the City of Greater Geelong, Victoria Police, the Nightlife Association and the Victorian Liquor Licensing unit, in addition to three licensees. The steering committee monitors and evaluates the progress of the accord and deals with any major breaches.

Nightlife Association – Linked to but independent from the liquor accord is the Nightlife Association, which comprises 90–95 per cent of Geelong's late-night venues. The Nightlife Association recently implemented a range of safety programs including initiatives to improve the amenity in and around licensed venues. The association also plans to move towards polycarbonate or shatterproof glass during 2010.

Training for licensees – The City of Greater Geelong has provided training to accord members around conflict resolution, which was very well taken up and supported.

Accreditation program – The *Geelong Advertiser* newspaper has established an accreditation system for local venues and will provide positive publicity for the venue(s) first to meet the criteria.

Focus on amenity – Police and council staff in Geelong emphasised to the Committee the importance of addressing minor offences that lead to a decrease in amenity, such as urinating in public or defacing a tree. CCTV monitoring and radio communication allow offenders to be quickly identified and issued a fine. Such rapid responses not only have the potential to deter people from minor offences but also increase perceptions of police presence and risk of prosecution.

Night cleaning crew – The City of Greater Geelong has also employed a street cleaning crew during the early hours of the morning. The cleaning crew remove potential hazards such as glass bottles, reducing both the risk of assault and the perception of the street being unsafe.

Night Watch Radio program – The Night Watch radio program was designed to complement the CCTV network. The radio program and CCTV network are monitored from the same base station. Individuals or venues holding radios include licensed venues, fast food outlets, the night cleaning crew, staff at the safe taxi rank and police on foot patrol. The radio program is particularly helpful for identifying patrons who have been asked to leave a venue and may try to enter elsewhere, or identifying offenders who have been observed on the CCTV camera. The CCTV monitor can assist the police in locating the offender through simultaneous use of the cameras and the radios.

Crowd Controllers' Code – A crowd controllers' code was developed by the Licensing Services Division. One goal of the code is to change the culture of security personnel to promote the understanding that security staff do not only wait for trouble to occur, but instead work with licensees to manage the intoxication levels of patrons and avoid conflict before it arises.

ID scanners – Licensees of many venues have installed ID scanners.

Evaluation of initiatives

The City of Greater Geelong considers the evaluation of programs to be critical for the reduction of violence.⁷⁷⁵ Evaluation of initiatives to reduce assault is currently being undertaken by Dr Darren Palmer, Dr Ian Warren and Dr Peter Miller from the criminology and psychology departments at Deakin University. This evaluation is both ongoing and extensive, as explained by Dr Palmer:

We are doing a study that is going back five years looking at health and emergency data, crime data, ambulance and crowd control data. We are also doing interviews with key stakeholders, patrons, people going out to the venues about their experiences and perceptions and broader community based surveys as well... We are also doing a very specific study in Whittington, a particular area of Geelong. It is an action-based research project.⁷⁷⁶

These academics are also currently undertaking a broad review of accreditation schemes in licensed venues, and reviewing historical data from 1989 onwards to investigate the effectiveness of initiatives over time.⁷⁷⁷ This research enables council staff to understand not only which initiatives are most effective but also the limitations of each program.⁷⁷⁸

Formal and informal collaboration

The Committee consistently received evidence regarding the importance of collaborative relationships in tackling community violence.⁷⁷⁹ Many local accords, community groups, and council staff have formal or informal arrangements with officers from Victoria Police and/or the Liquor Licensing unit at the Department of Justice. Collaborative relationships are also emphasised in the community safety plans or alcohol management plans developed by local councils (see City of Greater Dandenong 2005; Yarra City Council 2010). LGAs in inner Melbourne (comprising the City of Melbourne, City of Stonnington, City of Port Phillip and City of Yarra) also work collaboratively through the implementation of the Inner Melbourne Action Plan.⁷⁸⁰

In addition to formal partnerships, the Committee received numerous examples of informal collaborations or co-managed community projects. For example:

- The coordination of a Ganesh Chaturthi festival and a Bollywood night by the Federation of Indian Students Australia and Darebin City Council⁷⁸¹

⁷⁷⁵ Evidence of Ms Lisa Armstrong-Rowe, Community Safety Officer, City of Greater Geelong, given to the Drugs and Crime Prevention Committee, Forum, Geelong, 29 October 2009.

⁷⁷⁶ Evidence of Dr Darren Palmer, Deakin University, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Forum, Geelong, 29 October 2009.

⁷⁷⁷ Evidence of Dr Darren Palmer, Deakin University, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Forum, Geelong, 29 October 2009.

⁷⁷⁸ Evidence of Mr Steve Bentley, Place Manager for Central Geelong, City of Greater Geelong; and of Mayor John Mitchell, Mayor of Geelong, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Forum, Geelong, 29 October 2009.

⁷⁷⁹ See, for example, Evidence of Mr John Frame, Chairman, Geelong Safety Committee, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Forum, Geelong, 29 October 2009.

⁷⁸⁰ City of Yarra, www.yarracity.vic.gov.au, accessed 30 June 2010.

⁷⁸¹ Evidence of Mr Amit Menghani, President, Federation of Indian Students of Australia, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Melbourne, 7 October 2009.

- Soccer matches between the Ballarat Police and international students from the University of Ballarat, with the goal of fostering positive relationships within the community and particularly these two groups.⁷⁸²
- Deakin University students informing Geelong police when they were hosting a major event, and local motels informing police when they had been booked for a major event.⁷⁸³

Community engagement programs

Councils are involved in a range of programs to engage the community and particularly people at risk. Community engagement programs provide a sense of connectedness or inclusivity within a community. Because individuals with few social networks and sources of support are at increased risk of offending (Williams et al 2009), creating connections for these people is especially important.⁷⁸⁴

Young people may be particularly at risk of offending if they feel excluded from their community or if their peer group promotes values that are antisocial or illegal (Department of Justice 2009b).⁷⁸⁵ Community engagement programs can therefore provide a focus and perspective outside the peer group, resulting in positive impacts for both the individual and the broader community.

Community events

Community events may include family days, discos, festivals, performances, sporting events or other activities aimed at providing an enjoyable experience for community members. Some councils organise events during a themed week (such as Refugee Week or National Youth Week) or a 'Community Month', with a range of activities to cater for different groups within the community.⁷⁸⁶ Other community events may be organised by local service providers or interest groups. Of particular relevance to this Inquiry are activities aimed at young adults that are specifically designed to reduce alcohol-related harm, such as alcohol-free events that offer an alternative to alcohol-dominated environments.⁷⁸⁷

⁷⁸² Evidence of Ms Amanda Collins, Community Safety and Development Officer, Community and Culture, City of Ballarat, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Ballarat, 28 October 2009.

⁷⁸³ Inspector Barry Malloch, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Forum, Geelong, 29 October 2009.

⁷⁸⁴ Submissions by Hume City Council and the City of Yarra to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, November 2009.

⁷⁸⁵ Submission of Frankston City Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, October 2009.

⁷⁸⁶ See, for example: Evidence of Mr Mark Doubleday, Director, Community Services, City of Greater Dandenong, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Springvale, 26 October 2009; Evidence of Ms Amanda Collins, Community Safety Planning Officer, City of Ballarat, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Ballarat, 28 October 2009.

⁷⁸⁷ Evidence of Ms Amanda Collins, Community Safety Planning Officer, City of Ballarat, given to the given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Ballarat, 28 October 2009.

Community spaces

Community spaces promote cohesion and inclusivity by facilitating connections and encouraging a sense of shared ownership by community members. Community centres are designed to house a range of events or activities involving a broad range of community members. Other community spaces may be aimed specifically at young people, such as skate parks, graffiti walls or BMX tracks.⁷⁸⁸

Outreach programs

Councils play an important facilitation role in directing people in need to the appropriate support services. Some may provide direct assistance to community members, particularly in disadvantaged areas. The City of Frankston's Ambassador Program provides an excellent example of a local council identifying the need for on-ground community assistance.⁷⁸⁹ Four ambassadors are employed by the City of Frankston to engage with the community and staff are currently investigating the possibility of expanding the program through a volunteer framework.⁷⁹⁰ Ambassadors offer assistance to all people in Frankston, from older people who have fallen, to visitors asking for directions, to young people at risk, to homeless people in need of support.⁷⁹¹ Mr Jeff Best, Coordinator of the Ambassador program, provided the Committee with many examples of success, including success in assisting people at risk of offending:

[T]here was a very young, aggressive man who was a drinker. He also carried baseball bats with him, very aggressive, and he was homeless. We were able to assist him in getting a place to sleep, and the turnaround was between winter and early summer. He changed, he monitored his own peer group and he has become one of our volunteers.⁷⁹²

The City of Frankston also funds the 'WHAT?'⁷⁹³ truck, a semi-trailer truck that travels around Frankston and surrounding suburbs. On board the truck are staff who provide information and support to young people and run youth-related programs. Also on board are video games, computers, Internet access, DVDs, magazines, music and activities.⁷⁹⁴

Because individuals in migrant groups may have different needs to Australian-born community members,⁷⁹⁵ many local councils have outreach programs specifically aimed at culturally and linguistically diverse (CALD) groups. For example, Inspector Caroline West

⁷⁸⁸ See, for example, Evidence of Mr Mark Doubleday, Director, Community Services, City of Greater Dandenong, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Springvale, 26 October 2009.

⁷⁸⁹ This program is also discussed in the context of community policing in Chapter 10.

⁷⁹⁰ Evidence of Mr Geoff Cumming, Manager Compliance and Safety, City of Frankton, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Frankston, 26 October 2009.

⁷⁹¹ Evidence of Mr Geoff Cumming, Manager Compliance and Safety, City of Frankton, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Frankston, 26 October 2009.

⁷⁹² Evidence of Mr Jeff Best, Frankston City Council, Ambassador Program Coordinator, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Frankston, 26 October 2009.

⁷⁹³ An acronym for 'will help any teenager'.

⁷⁹⁴ Frankston Youth Resource Centre, <http://youth.frankston.vic.gov.au>, accessed 30 June 2010.

⁷⁹⁵ Evidence of Ms Litsa Chung, Team Leader, Settlement Support Services, Ballarat Regional Multicultural Council, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Ballarat, 28 October 2009.

spoke to the Committee about the One Ocean program in Dandenong, which engages Polynesian young people in culturally relevant activities such as Polynesian dancing, bone carving and rugby.⁷⁹⁶ The City of Greater Dandenong also employs two Sudanese outreach workers in Springvale to engage with Sudanese young people, offer support and provide social connections.⁷⁹⁷ Moreland City Council reported providing specific support to the local Indian community, including programs to facilitate access to legal support, counselling and other community services.⁷⁹⁸

Engaging with young people

Some Victorian councils have sought to improve community safety by engaging directly with young people. This may enable councils to obtain a greater understanding of the issues and encourage positive behaviours amongst young people. For example, the City of Ballarat in collaboration with the University of Ballarat organised the ‘SSMART⁷⁹⁹ Answers’ conference,⁸⁰⁰ a two-day conference with 99 attendees, including 72 secondary school students. The second SSMART Answers conference was held in 2009 and included discussion forums, informative presentations and creative workshops that focussed on alcohol and drug use by young people in Ballarat.⁸⁰¹ The students responded positively to the conference, with 97 per cent of participants reporting that the conference helped to provide ‘SSMART answers’.⁸⁰²

The City of Greater Geelong organised a youth forum, inviting 80 young people to express their views and concerns about safety and alcohol consumption.⁸⁰³ The council used the information gathered at this forum to assist with policy decisions regarding Geelong’s night-time environment.⁸⁰⁴

Commencing 10 years ago as a response to perceptions of safety in Frankston, Frankston City Council undertakes an annual ‘Pulse’ survey, which measures perceptions of safety in Frankston during the daytime and night-time hours.⁸⁰⁵ The survey includes 400 residents, is

⁷⁹⁶ Evidence of Inspector Caroline West, Manager, Dandenong PSA, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Springvale, 26 October 2009.

⁷⁹⁷ Evidence of Inspector Caroline West, Manager, Dandenong PSA, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Springvale, 26 October 2009.

⁷⁹⁸ Submission of Moreland City Council to the Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, October 2009.

⁷⁹⁹ An acronym for ‘Surviving Substance Misuse and Alcohol Risk Taking’.

⁸⁰⁰ Evidence of Ms Carolyn Barrie, Director Community Wellbeing, City of Ballarat, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Ballarat, 28 October 2009.

⁸⁰¹ City of Ballarat, www.ballarat.vic.gov.au, accessed 24 June 2010.

⁸⁰² City of Ballarat, www.ballarat.vic.gov.au, accessed 24 June 2010.

⁸⁰³ See, for example, Evidence of Councillor Jan Farrell, Councillor, City of Greater Geelong, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Forum, Geelong, 29 October 2009.

⁸⁰⁴ Evidence of Ms Lisa Armstrong-Rowe, Community Safety Officer, City of Greater Geelong, given to the Drugs and Crime Prevention Committee, Forum, Geelong, 29 October 2009.

⁸⁰⁵ See, for example, Evidence of Ms Gillian Jones, Community Safety Officer, City of Frankston, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Frankston, 26 October 2009.

conducted by Monash University and is coupled with mapping of violent incidents that occur.⁸⁰⁶

The City of Melbourne also recently trialled a website for young people aged 12–25 to discuss city safety issues.⁸⁰⁷

Liquor accords

Local liquor accords⁸⁰⁸ are often part of a community response to alcohol-fuelled violence. Accords, as with other community safety initiatives, allow for collaboration and the generation of new ideas from a range of stakeholders. In addition to providing a voice for local licensees, accords allow for the development of initiatives relevant for local venues, generated by people ‘on the ground’ who are well aware of occurrences in licensed venues. Accords can be reactive, addressing issues as they emerge, and can evolve to meet the changing needs of licensees and the community. Accords can also improve compliance with state legislation. For example, the City of Stonnington provides a ‘Compliance Inspection Folder’ for all members of the Stonnington Liquor Accord, so that licensees can more easily adhere to legislative requirements and present relevant information to licensing inspectors.⁸⁰⁹

Benefits of community based programs in Victoria

Local solutions for local problems

Community based approaches have become increasingly popular⁸¹⁰ and have many advantages. First, local knowledge allows for the identification of local problems and implementation of solutions that are relevant for the community.⁸¹¹ Second, having a broad range of committee members allows for collaboration between organisations and a wide variety of information sources. Local councils emphasised to the Committee that this collaborative relationship was the cornerstone of success in developing and implementing programs.⁸¹² Third, broad membership allows for a range of views within the community to

⁸⁰⁶ See, for example, Evidence of Ms Gillian Jones, Community Safety Officer, City of Frankston, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Frankston, 26 October 2009.

⁸⁰⁷ *Your City Your Space*, www.yourcityspace.com.au, accessed 28 May 2010.

⁸⁰⁸ Discussed in detail in Chapter 11.

⁸⁰⁹ Evidence of Ms Karen Watson, Manager, Corporate and Community Planning, City of Stonnington; and of Inspector Clive Rust, Stonnington Service Area Manager, Victoria Police, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Melbourne, 7 October 2009.

⁸¹⁰ Specifically, the Committee received evidence of the following Victorian councils operating community safety groups or drug action groups tackling community safety matters: Bass Coast Shire Council, City of Ballarat, City of Greater Bendigo (submission of Bendigo Safe Community Forum), City of Greater Geelong, City of Greater Dandenong, City of Melbourne, City of Yarra, Frankston City Council, Greater Shepparton City Council, Latrobe City Council, Surf Coast Shire (working group specifically created for the ‘Schoolies’ period).

⁸¹¹ Submission of Brimbank City Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, November 2009.

⁸¹² For example see evidence of Mr John Frame, Chairman, Geelong Safety Committee given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Forum, Geelong, 29 October 2009.

be expressed, and the development of a broad variety of methods to reduce violence.⁸¹³ For example, the City of Ballarat implemented a broad range of initiatives to tackle alcohol-fuelled violence including:

- the development of an assault reduction strategy by Ballarat police.⁸¹⁴
- the installation of CCTV cameras within Ballarat's entertainment precinct.⁸¹⁵
- the establishment of a safe taxi rank in the entertainment precinct.⁸¹⁶
- the successful trial of providing lollypops to pacify patrons (including intoxicated patrons) queuing for taxis late at night.⁸¹⁷
- the mapping of alcohol supply, harm and demand.⁸¹⁸
- an information session for 200 Year 9 students about responsible drinking and looking after their friends. Presenters included paramedics, police officers and the Director of Emergency Medicine at Ballarat Health Services.⁸¹⁹
- a designated driver program in which designated drivers within the Ballarat CBD receive up to five free soft drinks during the night.⁸²⁰

Community empowerment

Community based programs allow opportunities for local people to have their opinions heard and/or participate in generating solutions to their concerns. This enables them to feel empowered and to contribute to their local community (Chikritzhs et al 2007).

Further, where a program or initiative is developed and implemented by local community members, community response may be greater and more positive than where the initiative has been externally developed or implemented (Graham & Homel 2008). For example, speaking about the Surfers Paradise model, Graham and Homel explained the value of peer monitoring:

A critically important strategy involved regulating managers through an informal community-based monitoring committee. Monitoring committees provided a forum for the discussion and resolution of problems in the venues, specifically failures by licensees to

⁸¹³ Evidence of Mayor John Mitchell, Mayor of Geelong, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Forum, Geelong, 29 October 2009.

⁸¹⁴ Evidence of Inspector Gerry Rudkins, Manager, Ballarat Police Service Area, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Ballarat, 28 October 2009.

⁸¹⁵ Evidence of Inspector Gerry Rudkins, Manager, Ballarat Police Service Area, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Ballarat, 28 October 2009.

⁸¹⁶ Evidence of Ms Carolyn Barrie, Director Community Wellbeing, City of Ballarat, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Ballarat, 28 October 2009.

⁸¹⁷ Evidence of Ms Amanda Collins, Community Safety Planning Officer, City of Ballarat, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Ballarat, 28 October 2009.

⁸¹⁸ Evidence of Ms Carolyn Barrie, Director Community Wellbeing, City of Ballarat, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Ballarat, 28 October 2009.

⁸¹⁹ Evidence of Dr Jaycen Cruickshank, Director, Emergency Medicine, Ballarat Health Services, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Ballarat, 28 October 2009.

⁸²⁰ City of Ballarat Designated Driver Program, www.ballarat.vic.gov.au, accessed 30 June 2010.

comply with their own codes of practice... [Licensees] distrusted the police and liquor licensing authority (despite lack of enforcement) and would not have worked with any monitoring committee that included these officials as members.

Local government as facilitator

Local councils are well placed to manage or facilitate violence prevention plans or initiatives within communities. Councils are often already involved with health, wellbeing and safety projects (DrugInfo Clearinghouse 2007),⁸²¹ and have experience and authority in these areas. Strategies to address assaults in public places can therefore contribute to community safety objectives, and/or utilise existing frameworks. Councils are also linked to other levels of government, local business and industry, local advocacy or interest groups, service providers and community leaders.

In its submission to the Committee, Brimbank City Council emphasised the importance of connectivity, explaining that '[s]trong and well connected communities, connected to / and via robust community organizations, play an important role in addressing the underlying causal factors of violence'.⁸²² Similarly, Frankston City Council's Ambassador program provides a good example of local government providing a link between residents and service providers.

Limitations and challenges to community initiatives

Availability of data and information

One of the concerns raised by communities is that data is often not provided at a local level. Data required for policy development and program initiatives, such as patterns of alcohol sale, consumption and harm, are generally not available. This lack of information makes it difficult to plan strategically and gain public support.⁸²³

Another limitation is the often inadequate evaluation of programs, which can result in uncertainty about their effectiveness and therefore about where policy and resources for improving community safety should be focussed.⁸²⁴ While many councils monitor and consider perceptions of safety within their LGA, this cannot be presumed to equate to the effectiveness of programs. To make an informed judgement of effectiveness, initiatives should not only be assessed by uptake rates but also by whether the initiative meets its

⁸²¹ Evidence of Mayor John Mitchell, Mayor of Geelong, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Forum, Geelong, 29 October 2009.

⁸²² Submission of Brimbank City Council and submission of Hume City Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, November 2009.

⁸²³ Professor Don Weatherburn, Director, Bureau of Crime Statistics and Research, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Sydney, 1 December 2009; Evidence of Dr Darren Palmer, Deakin University, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Forum, Geelong, 29 October 2009; Evidence of Ms Amanda Collins, Community Safety and Development Officer, Community and Culture, City of Ballarat, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Ballarat, 28 October 2009.

⁸²⁴ See, for example, Evidence of Dr Darren Palmer, Deakin University; and of Ms Lisa Armstrong-Rowe, Community Safety Officer, City of Greater Geelong, given to the Drugs and Crime Prevention Committee, Forum, Geelong, 29 October 2009.

objectives.⁸²⁵ This is particularly important given that initiatives popular with community members may not be effective in reducing harm (Shakeshaft et al 2010; Barbor et al 2010).

The Committee also received evidence from numerous sources regarding the importance of sharing data and information.⁸²⁶ Information is often not transmitted between organisations due to privacy concerns, lack of connections or communication, or internal organisational policy. This limits the ability of individuals or organisations to make informed decisions, and may create imbalances between organisations.

Finally, information may be difficult to obtain because it changes so rapidly. For example, Inspector Caroline West spoke to the Committee about the difficulties in managing problematic groups in the City of Greater Dandenong. She explained that if she and her officers focus on a problematic location, the people engaging in antisocial or violent behaviour will move to a different location. Similarly, if police numbers are increased on a particular night of the week, these behaviours may be displaced to a different night of the week.⁸²⁷

Limits to local jurisdiction

Local councils, community groups and community members have limited jurisdiction, restricting their influence and decision-making abilities. Evidence given to the Committee indicated that a major challenge faced by local councils was their limited capacity to support or oppose applications for new liquor licences in their LGA.⁸²⁸

Socio-economic disadvantage

The Australian Bureau of Statistics' SEIFA⁸²⁹ index data shows that some Victorian LGAs have higher rates of economic disadvantage than others (ABS 2006). Disadvantage within an LGA may impact upon rates of assaults in public places in three ways:

First, councils in more affluent areas contain houses of higher value, resulting in higher rates being charged to landowners. This results in more funding with which to implement programs, including community safety programs.

Second, councils in disadvantaged areas may have a broader range of challenges to face, or have a greater focus on fulfilling the basic needs of residents, including housing and employment. Councils in disadvantaged areas may therefore be required to spend a larger proportion of their budget on community support services and outreach services.

⁸²⁵ The City of Greater Geelong is undertaking this form of evaluation.

⁸²⁶ See, for example: Evidence of Ms Lisa Armstrong-Rowe, Community Safety Officer, City of Greater Geelong, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Forum, Geelong, 29 October 2009; Evidence of Mr Geoff Cumming, Manager Compliance and Safety, City of Frankton, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Frankston, 26 October 2009.

⁸²⁷ Evidence of Inspector Caroline West, Manager, Dandenong PSA, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Springvale, 26 October 2009.

⁸²⁸ This issue is discussed in Chapter 8.

⁸²⁹ Socio-Economic Indexes For Areas.

Third, there is some evidence that disadvantage may lead to crime, including violent crime (Weatherburn 1992; Lynch et al 2003), and that violence in public places cannot be addressed without addressing this disadvantage.⁸³⁰ The incidence of assault and effectiveness of strategies may therefore be affected by comparative advantage or disadvantage. For example, a submission of Brimbank City Council states:

The high level of disadvantage in Brimbank is both a causal factor for violence in public places and a symptom – contributing to the likelihood that disadvantaged local people will become victims of violence.⁸³¹

Resourcing

The Committee consistently received evidence that initiatives by councils, community groups and local police are limited by funding, staff and time.⁸³² Councils commented that they were increasingly expected to deliver policies and programs without being provided with the resources to meet expectations, and that this was becoming more difficult as the number of competing priorities within their LGA increases.⁸³³

Conclusion

Community partnerships and initiatives play an important role in reducing assaults in public places. While there have been some excellent examples of community responses to alcohol-fuelled violence, there have also been many programs with limited success. The evaluation of programs is therefore crucial to ensure the effective use of resources.

Recommendation

The Committee recommends that the Victorian Government provide further support to local government authorities to implement safety initiatives that have been shown to be effective. (*Recommendation 28*)

⁸³⁰ Submissions of Brimbank City Council and Hume City Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, November 2009.

⁸³¹ Submission of Brimbank City Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, November 2009.

⁸³² See, for example, Submission of the Bendigo Community Forum to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, October 2009; Evidence of Chief Inspector Ron Cooke, Manager, Frankston PSA, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, Public Hearing, Frankston, 26 October 2009.

⁸³³ See, for example, Submissions of Brimbank City Council and Latrobe City Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Reduce Crime Against the Person, November 2009.

Recommendation

The Committee recommends that the Victorian government and local governments facilitate and expand appropriate community forums and workshops that bring together refugee and newly arrived young people, police, multicultural communities and service providers. *(Recommendation 29)*

Recommendation

The Committee recommends that the Victorian Government establish procedures to collect data:

- To provide local government authorities with accurate, timely and comprehensive assault data so that they are in a better position to plan and respond to assaults occurring in individual areas throughout their municipalities ; and
- To evaluate the impact of new initiatives and to inform future policy directions. *(Recommendation 34)*

16. Conclusion

Introduction

The Committee has found that there has been an upward trend in the rate⁸³⁴ of assaults occurring in public places. The rate of assaults occurring in public places was 4 per cent higher in 2009/10 than in 2008/09 and there has been a 27 per cent increase in the rate of since 1998/99. This is justifiable cause for concern. It is also of concern that both victims and offenders are predominantly male and relatively young, being on average between 18 and 34 years old.⁸³⁵

An analysis of data published by Victoria police further illustrated a number of key findings about assault in public places across Victoria:

- in 2008/09 there were 16,813 public place assaults recorded by Victoria police. In all, assaults in public places represent 50 per cent of all assaults and 4 per cent of all offences recorded for the year;
- the estimated rate of assault in public places was 312 per 100,000 in 2008/09, some 4 per cent higher than the previous year and 27 per cent higher than the same time 10 years ago (1998/99);
- the upward trend in assault is inconsistent with the aggregate crime trend which, as a result of significant falls in property offending, has declined 24 per cent over 10 years;
- most assaults in public places are recorded as having occurred on the street or footpath, followed by retail locations, public transport and licensed premises. In all, there were 1,601 public place assaults recorded at licensed premises – 10 per cent of all assaults in places in 2008/09;
- assaults occurring in retail locations have increased at a faster pace than any of the other locations recorded by the police – the rate per 100,000 is up by 18 per cent since 2007/08 and 49 per cent since 1998/99; and
- the rate of assaults at licensed premises increased by a modest 3 per cent since 1998/99, but declined by 1 per cent in the last year.

However, the Committee has also found that whilst there has been a definite increase in the number of assaults occurring in public places in recent years, print media reporting tends to confuse the issue, generating fear among the general population that often does not match the actual level of risk faced.⁸³⁶

The impact of assaults

Whether the numbers of assaults occurring at any given time in Melbourne and Victoria is large or small, it is difficult to discount the impact of those assaults on the victims and the community at large. Harms caused through assaults in public places are obviously physical and can range from relatively minor to life threatening. Needless to say serious injuries

⁸³⁴ Standardised offence rates per 100,000 of the estimated resident population of Victoria

⁸³⁵ See discussion in Chapter 2 of this Report.

⁸³⁶ See discussion in Chapter 3 of this Report.

occurring as a result of stabbings, the use of firearms or other weapons such as baseball bats is cause for alarm. But the infliction of beatings and kickings resulting in blunt trauma and brain injury is also a particularly worrying phenomenon. However the injury is caused, it is certainly of concern that there appears to be an upward trend in the number of assaults requiring ambulance attendance and/or hospitalisation over the last 10 years.⁸³⁷

The physical trauma that results from an assault is not the only consequence of this form of violence. This Report also outlines the psychological and emotional impact on the victims of assaults in public places. For some victims the mental stress experienced after the assault is felt as severely, or even more so, than the physical effects. Such stress may include shock, disbelief, guilt, anxiety, humiliation and insecurity. The assault may also have a flow-on impact on family and friends. This may not only be the natural distress a loved one feels if his or her family member is injured but may also in some circumstances cause negative practical consequences. For example, a victim of assault may feel so vulnerable that they are temporarily or permanently no longer able to work, which may result in a family member having to take on the added financial responsibility of supporting the victim. The Report also discusses how the wider community may be impacted by assaults in public places. Most notably there may be perceptions that violence is increasing within a local community with a resultant fear that it is not a safe place to be.

The cost of assaults

The consequences of assaults to the community also have tangible repercussions in the form of high financial costs. Whilst interventions such as the National Competition Policy have lauded the economic benefits of the alcohol, hospitality and entertainment industries, it is also clear that the total cost to the Australian community as a result of alcohol-related harm is considerable. For example, a recent report into alcohol-related violence by the Queensland Parliament found that alcohol-related violence can result in significant economic cost in a number of areas including:

- police resources
- ambulance resources
- costs of hospital and medical treatment
- clean-up costs for local councils around licensed venues and food outlets
- security and surveillance costs
- lost work productivity
- care and compensation for victims (counselling, emotional support, financial compensation etc)
- court, prosecution and corrective costs.⁸³⁸

Moreover, some of these costs will be borne by members of the local community through the levying of taxes (health costs) or local rates (council clean-ups). Whether these costs flow directly or indirectly, the cost of alcohol-related violence to Australian society, whilst not absolutely quantifiable, is clearly high.

⁸³⁷ See discussion in Chapter 4 of this Report.

⁸³⁸ See *Inquiry into Alcohol-Related Violence, Final Report* (2010) Law, Justice and Safety Committee, Legislative Assembly of Queensland. Report No 74. Accessed at www.parliament.qld.gov.au, 22 July.

Vulnerability to assault?

One of the key issues for investigation in this Inquiry was to ascertain whether certain groups or special populations in the community are more vulnerable to being victims of assault than others, and if so why this is. The Report found that in certain circumstances this is the case. Such groups include homeless people, Indigenous people, same-sex attracted people and people working in certain occupations such as hospital and ambulance workers, police and security personnel. By a great margin, however, the most likely group of people to become victims (and indeed perpetrators) of assaults are young men. For example, in 2008, 15 to 24 year olds accounted for almost 29 per cent of reported assault victims although this group made up only 14 per cent of Victoria's population.⁸³⁹ Of particular concern is that despite this relatively high figure, this number is likely to be an underestimation given that studies indicate young men are less likely than other people to report being victims (Department of Justice 2009b).

In addition to examining why certain populations may be more likely to become victims of assault than others, the Report also discussed the position of groups in the community who may *perceive* themselves to be at heightened risk of being assaulted when in fact the reality suggests they are not so at risk. The research literature indicates that women, at least in public places,⁸⁴⁰ and the elderly fall within this category. This does *not* mean however that the fear resulting from such a perception of risk should be underestimated. Such fear may well impact seriously on the lifestyle of such groups.

Finally, despite the media hyperbole surrounding the issue, the evidence is equivocal as to how vulnerable international students and people from culturally and linguistically diverse (CALD) backgrounds are to becoming victims of assault and other forms of violence.

Despite some interesting research being undertaken on vulnerable groups and their susceptibility to being victims of violence, other than some reasonably firm findings on the propensity of young men to become victims of assault, there is still a great gap in our research knowledge as to who the victims are and what accounts for their vulnerability. Far more qualitative and quantitative research needs to be undertaken examining the nature and extent of harms that are perpetrated on particular groups of people in Victoria, including Indigenous and CALD communities, migrants and international students/workers, same-sex attracted people and members of particular occupational groupings.

An ongoing problem

Significant levels of assaults and violence within a community and the harm that flows from this are clearly not a new phenomenon. This Report recognises throughout that an enormous amount of work has been done in recent years to address the issue of crime and violence against the person at national, state and local levels. Similar inquiries have been undertaken by the Commonwealth and Queensland parliaments on the impact of violence on young people and on reducing alcohol-related violence in the community, respectively, which have been instructive.

⁸³⁹ See discussion in Chapter 5 of this Report.

⁸⁴⁰ Women are overwhelmingly more likely, however, to be the victims of assault in a domestic or family violence scenario.

In Victoria there have also been a number of significant interventions and initiatives developed and implemented to address alcohol-related harms, including violence, that show promise. Many of these have been a result of the implementation of the comprehensive Victorian Alcohol Action Plan.

Yet many of these initiatives, such as the Liquor Licensing Compliance Directorate, have been too recently established to gauge their success in reducing alcohol-related violence and disorder. Only comprehensive and rigorous evaluations will be able to vouch for their effectiveness with any certainty.

Key positions of the Drugs and Crime Prevention Committee

As a result of the evidence gathered by the Committee and the research undertaken, the Committee takes the following positions with regard to strategies that could be employed in order to reduce crime against the person in the State of Victoria.

Explanations for increased levels of assaults are not limited to harmful alcohol consumption but are closely associated

As discussed throughout this Report there are many reasons why violence and assaults occur and appear to be increasing. This is true of violence within the home and other private locations. It is also true of assaults that occur in public arenas that are not associated with the consumption of alcohol. Nonetheless, the majority of evidence collected during this Inquiry focused on the influence of alcohol consumption, particularly excessive consumption, on acts of violence. This was a key concern of most if not all witnesses and those who provided submissions to the Inquiry.

Given these concerns and the increase in the number of assaults in public places, the Committee decided assaults in public places, particularly those that are alcohol-fuelled, would be the focus of its Inquiry. As previously stated this does not suggest that the Committee views violence that occurs in family and private situations as not being significant or extremely harmful. Nothing could be further from the truth. It is therefore appropriate that this aspect of crime against the person be comprehensively investigated in the near future.

Evidenced based strategies are essential

There is now general agreement in both the national and international literature with regard to the most effective range of responses available to policy-makers to address alcohol-related harms including violence (Babor et al 2010; Loxley et al 2004). Few evaluations in Victoria have been undertaken to assess whether some of the strategies currently in place to address violence are effective.

As discussed throughout this Report and particularly in Chapter 7, what may be scientifically effective in reducing alcohol-related harm is not necessarily politically or popularly acceptable (for example increasing the legal drinking age, bans on advertising, taxation 'hikes'), while those strategies that *are* popular may have a doubtful 'track record' for effectiveness (some education strategies fall into this category). The list of interventions which do attract a fairly high degree of consensus for having merit are listed by the National Drug Research Institute (NDRI) and include:

- pricing and taxation strategies
- regulating the physical availability of alcohol
- modifying the drinking context
- regulating alcohol promotion
- interventions in communities, homes schools and workplaces (NDRI 2007).

For a strategy or intervention to count as one that is based on best evidence it is essential that it has been comprehensively evaluated. Few evaluations had been undertaken to assess whether some of the strategies currently in place to address violence are effective. This is an oversight that must be remedied if precious funding is not wasted on interventions that are at best equivocal in their effectiveness and at worst counterproductive.

Strategies need to be coordinated and integrated

It is essential that where strategies are developed and implemented to address the recommendations arising from this Report they are, wherever possible, part of an integrated policy model and a ‘whole of government approach’. In particular, it is important that clear objectives, indicators and targets to meet the objects of reducing violence are thoroughly mapped out. The national and state strategies and action plans on addressing alcohol-related harms are useful frameworks that can incorporate and implement many of the recommendations in this Report. In particular the National Alcohol Strategy in conjunction with the Ministerial Council on Drug Strategy are useful conduits for addressing some of the recommendations in this Report for which the Commonwealth government partly or wholly has responsibility.

Strategies where possible should be tailored to local communities, conditions and needs

However, based on the extensive evidence outlined in the Report, the Committee believes that whilst national and state frameworks are important, wherever possible the local community should be a major focus for interventions to address violence and social disorder within local communities. In this regard the input of local government authorities and community policing units is crucial. As Loxley et al state:

The emphasis on the local community flows from the requirement to tailor prevention strategies to varying local conditions, the emerging success of community approaches and the attraction of enhancing community in order to address growing social disconnection (2004, p.239).

Responsibility for preventing and addressing problems associated with violence and harmful alcohol consumption must be shared

In conclusion, there are multiple factors that need to be taken into account in devising policies and strategies to successfully address assaults in public places. Responsibility for dealing with the violence arising from excessive or irresponsible alcohol use or other causes must be shared by several players. It cannot simply be the responsibility of government or government agencies. Input must come from individuals, local communities, government at local, state and federal levels, the Victoria Police and private security providers, health and education providers, non-government organisations, licensed venues and the entertainment/hospitality industries. Policies aimed at achieving a reduction

in alcohol-related violence also require bipartisanship support, as demonstrated by the collaborative work of this Committee. Whilst assault and related crimes may never be completely eradicated it is hoped that the Committee's recommendations, if implemented, will go some way to reducing their occurrence, resulting in sustainable and long-term change.

**Adopted by the Drugs and Crime Prevention Committee
55 St Andrews Place
East Melbourne
12 August 2010**

Appendices

Appendix 1: Victoria Police: Offences recorded and offence codes for the category of assault 2008/09

Assault

120A	Accident -fail to assist- serious injury	136D	Assault with intent to rape
120B	Accident - fail to stop - serious injury	136M	Unlawfully/indecently assault a girl
121A	Intentionally cause serious injury	193O	Assault/threat member aircraft crew
121B	Recklessly cause serious injury	199AH	Threat damage own property-endanger life
121C	Negligently cause serious injury	199AM	Cause explosion likely to endanger life
122D	Intentionally cause injury	199AN	Cause explosion likely to endanger prop
122E	Recklessly cause injury	199AO	Intentionally threaten serious injury
122H	Unlawfully and maliciously wound	199AP	Recklessly threaten serious injury
122I	Assault occasioning actual bodily harm	199AT	Make threat to kill - intending fear
122J	Perf fem genital mutil on psn-not child	199AU	Make threat to kill-reckless as to fear
129A	Assault intent commit indict offence	199AV	Threaten serious injury-intending fear
129AC	Common law assault	199AW	Threaten serious injury-reck as to fear
129AJ	Assault/resist ptc/rc officer/agent	199AX	Use carriage serv to make threat to kill
129AO	Aggravated assault of person under 15	199AY	Use carriage serv-threaten serious harm
129AQ	Assault/resist/obstruct officer	199B	Make threat to kill
129AV	Resist/incite other to resist ptc officer	199C	Threat to inflict serious injury
129AW	Assault/incite other to assault ptc off	199D	Reckless conduct endanger life
129AY	Incite person to assault police	199E	Reckless conduct endanger serious injury
129BB	Assault a sheriff whilst on duty	199M	Set trap intent cause serious injury
129BC	Assault to resist lawful detention	199N	Use firearm to resist/prevent arrest
129BG	Aggravated assault of male under 15	199S	Place obstruction footpath -injury/death
129BH	Assault with weapon	199V	Place obstruction on road - injury/death
129BI	Assault with instrument	210A	Assault with intent to rob (common law)
129BJ	Assault person assisting police	221B	Extortion-demand with threat to kill
129BN	Aggravated assault of female	221BA	Extortion with threat to inflict injury
129BO	Assault operational staff - ambulance	221F	Attempted extortion with threat to kill
129C	Unlawful assault	525B	Harass witness (soa s52a)
129D	Assault in company	599DA	Riot (common law)
129E	Assault by kicking	599DB	Rout (common law)
129G	Assault police (serious)	599FA	Riotously assemble together
129H	Threaten injury to prevent/hinder arrest	599JA	Throw stone to injury/danger/damage
129I	Assault to prevent lawful detention	599JC	Discharge stone to cause injury/danger
129J	Obstruct/resist police (crimes act)	599JD	Discharge arrow to cause injury/danger
129L	Assault protective services officer	599K	Affray (common law)
129Q	Assault police (summary)	599M	Enter land to cause breach peace
136AM	Assault with intent to rape	L1202	Assault causing injury

Source: Victoria Police Crime Statistics 2008-2009, Victoria Police, 2009 pp.143-144.

Appendix 2: List of submissions received

Submission number	Name of individual/organisation	Date received
1	Mr Harry Smith	7 September 2009
2	Mr Jobie Green	14 September 2009
3	Confidential submission	22 September 2009
4	Mr Peter Johnston Chief Executive Officer Macedon Ranges Shire Council	28 September 2009
5	Mr Peter Laydon Community Safety Manager Bass Coast Shire Council	5 October 2009
6	Mr Peter Brown Chief Executive Officer Moreland City Council	5 October 2009
7	Ms Vanessa Wait Executive Officer Bendigo Safe Community Forum	12 October 2009
8	Mr Greg Davies Secretary The Police Association of Victoria	13 October 2009
9	Ms Naomi Oakley Managing Director U-Nome Security	22 October 2009
10	Mr John Rogerson Chief Executive Officer Australian Drug Foundation	23 October 2009
11	Ms Vanessa Mahon Community Safety Officer Greater Shepparton City Council	23 October 2009
12	Ms Tiffany Overall Advocacy and Human Rights Officer Youthlaw	23 October 2009
13	Mrs Melissa King Community Safety Coordinator Frankston City Council	23 October 2009

14	Mr Todd Harper Chief Executive Officer VicHealth	24 October 2009
15	Mr Bryan de Caires Chief Executive Officer Australian Security Industry Association Ltd.	26 October 2009
16	Professor Susan Sawyer Director Centre for Adolescent Health Royal Children's Hospital Associate Professor Sheryl Hemphill Principal Research Fellow Centre for Adolescent Health Royal Children's Hospital Ms Dianne Garner Service Manager Centre for Adolescent Health Royal Children's Hospital	27 October 2009
17	Ms Erin Cassell Director Victorian Injury Surveillance Unit Monash University Accident Research Centre Mr Nicolas Reid Victorian Injury Surveillance Unit Monash University Accident Research Centre	27 October 2009
18	Mr Peter Corcoran General Manager Victorian Taxi Directorate	27 October 2009
19	Ms Yolande Leonardi President Residents 3000 Inc.	28 October 2009
20	Ms Carolyn Barrie City of Ballarat	28 October 2009
21	Ms Isha Scott Community Planner – Wellbeing and Safety, Community Planning and Advocacy branch City of Yarra	30 October 2009
22	Mr Dave Taylor Community Development Worker Springvale Monash Legal Service Inc.	30 October 2009
23	Ms Caroline Bell Manager Community Safety City of Casey	23 October 2009

24	Ms Janice Lane Manager – Community Development Surfcoast Shire	2 November 2009
25	Mr Jak Dyer Jesuit Social Services	10 November 2009
26	Ms Jillian Hanley Acting Coordinator Community Development Latrobe City Council	6 November 2009
27	Ms Jennifer Rose Manager, Policy and Projects Youth Affairs Council of Victoria Inc. Joint submission from the Centre for Multicultural Youth & Youth Affairs Council of Victoria Inc.	13 November 2009
28	Dr Kathy Alexander Chief Executive Officer City of Melbourne	19 November 2009
29	Mr James Sherry Community Safety Planner Brimbank City Council	23 November 2009
30	Ms Irene McGinnigle General Manager Community Services City of Greater Geelong	24 November 2009
31	Ms Greta Clarke Executive Officer - Research, Planning and Development Unit Victorian Aboriginal Legal Service Co-operative Limited	24 November 2009
32	Mr Domenic Isola Chief Executive Officer Hume City Council	2 December 2009
33	Ms Naomi Oakley Managing Director U-Nome Security	3 December 2009
34	Confidential submission	2 March 2010

Appendix 3: Witnesses appearing at public hearings and via teleconferences

Hearings in Melbourne – 7 October 2009

<i>Name</i>	<i>Role</i>	<i>Organisation</i>
Associate Professor Tony Walker ASM	General Manager Regional Services	Ambulance Victoria
Mr Vernon Chalker	President	Association of Liquor Licensees Melbourne
Mr Michael Delany	Owner of Sorry Grandma	Association of Liquor Licensees Melbourne
Ms Wesa Chau	Honorary President	Australian Federation of International Students
Ms Colleen Lazenby	Manager Community Safety and Wellbeing	City of Melbourne
Ms Anne Malloch	Team Leader City Issues	City of Melbourne
Ms Nancy Pierorazio	Senior Policy Officer	City of Melbourne
Ms Maria Plakourakis	Social Planner City Issues	City of Melbourne
Mr Mark Power	A/g Senior Project Officer Drugs and Alcohol Action Plan and City Safety	City of Melbourne
Mr Amit Menghani	President	Federation of Indian Students of Australia
Mr Michael Livingston	Research Fellow	Turning Point Drug and Alcohol Centre
Mr Steve Medcraft	Member	Victims of Crime Advocacy League

Hearings in Melbourne – 8 October 2009

Mr Geoffrey Munro	National Policy Manager	Australian Drug Foundation
Mr Clancy Wright	Youth Strategy Officer	Australian Drug Foundation
Ms Renee Lustman	Media Advisor	Australian Drug Foundation
Mr Brian Kearney	Chief Executive Officer	Australian Hotels Association – Victoria
Ms Karen Watson	Manager, Corporate and Community Planning City of Stonnington	Stonnington Accord

Ms Julianne Brennan	Director Responsible Alcohol Victoria	Department of Justice
Mr Stephen Fontana	Assistant Commissioner Victoria Police	Department of Justice
Ms Clare Morton	Director Victims Support Agency	Department of Justice
Ms Belinda Lo	Legal Projects Officer	Fitzroy Legal Service
Ms Andrea Florance	Manager Volunteer and Education Programs	Peninsula Community Legal Centre
Ms Helen Yandell	Director and Principal Solicitor	Springvale Monash Legal Service
Miss Amelia Hughes	Student Monash University	Springvale Monash Legal Service
Mr Jono Chase	President	Step Back Think
Mr Simon Pratt	Manager Director Katuk Bar	Stonnington Accord
Inspector Clive Rust	Stonnington Service Area Manager	Victoria Police, Stonnington Accord
Ms Greta Clarke	Executive Officer Research, Planning and Development Unit	Victorian Aboriginal Legal Service
Ms Tiffany Overall	Advocacy and Human Rights Officer	Youthlaw

Hearings in Melbourne – 12 October 2009

Dr Norm Stamper	Former Police Chief	Seattle Police Department
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Hearings in Melbourne – 9 November 2009

Professor Peter Cameron	Academic Director of Emergency and Trauma Centre	Alfred Hospital
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Hearings in Melbourne – 23 November 2009

Lord Mayor Robert Doyle	Lord Mayor	City of Melbourne
Professor Robin Room	Director Centre for Alcohol Policy Research	Turning Point Drug and Alcohol Centre
Ms Naomi Oakley	Managing Director	U-Name Security

Hearing in Melbourne – 7 December 2009

Professor Arie Freiberg Dean of Law Monash University

Hearings in Melbourne – 22 February 2010

Ms Julianne Brennan Director
Responsible Alcohol Victoria Department of Justice

Ms Clare Morton Director
Victims Support Agency Department of Justice

Mr Stephen Fontana Assistant Commissioner Victoria Police

Hearing in Melbourne – 22 March 2010

Ms Sue Maclellan Director of Liquor
Licensing Department of Justice

Teleconferences – 9 November 2009

Professor Ross Homel Director Griffith Institute for Social and
Behavioural Research, Griffith
University

Associate Professor John Associate Professor University of Newcastle
Wiggers

Director
Population Health Hunter New England Health

Teleconference – 12 April 2010

Associate Professor Project Leader National Drug Research Institute
Tanya Chikritzhs

Appendix 4: Witnesses appearing in public hearings and forums in Springvale, Frankston, Ballarat and Geelong

Hearings in Springvale – 26 October 2009

<i>Name</i>	<i>Role</i>	<i>Organisation</i>
Inspector Caroline West	PSA Manager Dandenong	Victoria Police
A/Det S/Sgt Trevor Smith	Second in charge Greater Dandenong	Victoria Police
Sgt Warren Wise	Divisional Intelligence Officer	Victoria Police
Mr John Bennie	Chief Executive Officer	City of Greater Dandenong
Mr Mark Doubleday	Director Community Services	City of Greater Dandenong
Mr Mark Patterson	Manager Social Development	City of Greater Dandenong
Ms Kara Dunn	Team Leader Community Development	City of Greater Dandenong
Ms Lee Robson	Team Leader Social Policy and Projects	City of Greater Dandenong
Mr David Butten	Local licensee	Melbourne Nightclub Owners Forum, Greater Dandenong; Alcohol and Drug Action Committee
Mr David Thorsen	Director Organisational Culture and Communication	Chisholm TAFE
Mr Wayne Holdsworth	Chief Executive Officer	Southern Football League

Hearings in Frankston – 26 October 2009

Mr Geoff Cumming	Manager Compliance and Safety	Frankston City Council
Mr Jeff Best	Ambassador Coordinator	Frankston City Council
Ms Gillian Jones	Community Safety Officer	Frankston City Council
Mrs Melissa King	Community Safety Coordinator	Frankston City Council
Mr Ossie Martinez	General Manager, Development	Frankston City Council
Chief Inspector Ron Cooke	Manager Frankston PSA	Victoria Police

Dr Leong Goh	Clinical Director Emergency Medicine	Peninsula Health
Ms Karin Hann	Executive Officer	Frankston Business Chamber

Hearings in Ballarat – 28 October 2009

S/Sgt Tim Argall	Senior Sergeant	Victoria Police
Inspector Gerry Rudkins	Manager Ballarat Police Service Area	Victoria Police
Councillor Mark Harris	Councillor	City of Ballarat
Councillor Des Hudson	Councillor	City of Ballarat
Councillor Samantha McIntosh	Councillor	City of Ballarat
Councillor Cheryl Bromfield	Councillor	City of Ballarat
Ms Carolyn Barrie	Director Community Wellbeing	City of Ballarat
Ms Amanda Collins	Community Safety Planning Officer	City of Ballarat
Dr Jaycen Cruickshank	Director Emergency Medicine	Ballarat Health Services
Ms Litsa Chung	Team Leader Settlement Support Services	Ballarat Regional Multicultural Council
Ms Sulaika Dhanapala	Chairperson	Refugee Support Service Network
Mr John Fitzgibbon	Chair	Community Safety Advisory Committee, Ballarat
Mr Gary Browning	Proprietor	George Hotel
Dr Doug Lloyd	Chief Executive Officer Committee for Ballarat	Safety Advisory Committee and CitySafe Working Group
Mrs Binky Henderson	Parent Advocate	SSmart Parents
Dr Russell Dalton	Local advocate	
Mr Paul Brody	Community member	
Mr Gary Fitzgerald	Community member	

Hearings in Geelong – 29 October 2009

Mr Danny Lannen	Senior Reporter	Geelong Advertiser
Mr Brian Cook	CEO	Geelong Football Club
Mr Kevin Diggerson	Manager, Media and Public Relations	Geelong Football Club

Forum in Geelong – 29 October 2009

Mayor John Mitchell	Mayor	City of Greater Geelong
Leading Senior Constable David Campbell	Licensing and Public Order	Victoria Police
Sgt Tony Francis	Geelong Liquor Licensing Unit	Victoria Police
Inspector Barry Malloch	Licensing Inspector	Victoria Police
Ms Lisa Armstrong-Rowe	Community Safety Officer	City of Greater Geelong
Mr Steve Bentley	Place Manager for Central Geelong	City of Greater Geelong
Councillor Jan Farrell	Councillor	City of Greater Geelong
Ms Jane Wager	Community Development Coordinator	City of Greater Geelong
Dr Darren Palmer	Chair Drug Action Plan Committee	Deakin University
Mr Mario Gregorio	Owner	Home House club / Eureka Hotel
Mr Peter Perrett	CEO	ID-Tech Pty Ltd
Mr Andrew Frame	Employee	ID-Tech Pty Ltd
Mr John Frame	Chair	Local Safety Committee
Mr Darren Holroyd	Chairman	Nightlife Association

Appendix 5: Meetings in Sydney

Meetings in Sydney – 30 November 2009

<i>Name</i>	<i>Role</i>	<i>Organisation</i>
Mr Bryan de Caires	Chief Executive Officer	Australian Security Industry Association Ltd
Mr Paul Dillon	Director	Drug and Alcohol Research Training Australia

Meetings in Sydney – 1 December 2009

Professor Don Weatherburn	Director	Bureau of Crime Statistics and Research
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Appendix 6: Forums and conferences attended by Committee and staff

Forums and conferences	Date
<i>Deakin University, Community Safety Oration Geelong on reducing inter-personal violence around licensed premises, held in Geelong</i>	4 March 2010
<i>Turning Point Alcohol and Drug Centre, Kettil Bruun Society, Alcohol and violence – relationships, causality and policy, held in Melbourne</i>	15–18 March 2010
<i>Turning Point Alcohol and Drug Centre, Alcohol and violence in the night-time economy, held in Melbourne</i>	19 March 2010

Appendix 7: Presentations of assault victims in the workplace to Victorian emergency departments

Table 7a Presentations of assault victims to Victorian emergency departments July 2005–June 2008 where victim was engaged in paid work at the time of assault

	Financial Year Commenced			Total
	2005	2006	2007	
other and unspecified hospital staff ⁸⁴¹	127	140	131	398
unspecified trade and service staff	117	124	140	381
unspecified	72	77	65	214
unspecified - occurred on roads/street/highway	47	68	45	160
bouncer/security guard/crowd controller	42	43	32	117
police	26	27	23	76
taxi driver	7	14	19	40
nurse ⁸⁴²	6	11	12	29
hotel/nightclub staff (excludes bouncer/security etc) ⁸⁴³	12	6	4	22
other and unspecified school staff	4	7	7	18
other and unspecified sales staff	8	3	3	14
carer/nursing home/disability support worker	5	5	1	11
prison guard	1	2	7	10
train driver/attendant	2	1	2	5
paramedic/ambulance service	2	3	0	5
restaurant staff	1	3	0	4
delivery workers (pizza/newspaper)	1	2	1	4
tram driver	2	0	0	2
bus driver	0	2	0	2
service station staff	0	1	1	2
teacher	0	2	0	2
cleaner	0	2	0	2
truck driver	0	0	1	1
Total	482	543	494	1,519

Notes: (1) *These are conservative values based on presentations where*
 (a) *victims were recorded as being engaged in paid work when the assault occurred, and*
 (b) *the type of work was recorded.*

As one or both of these pieces of information are often not specified, actual values are likely to be higher.

(2) *The data above excludes the majority of assault victims, as most do not visit an emergency department.*

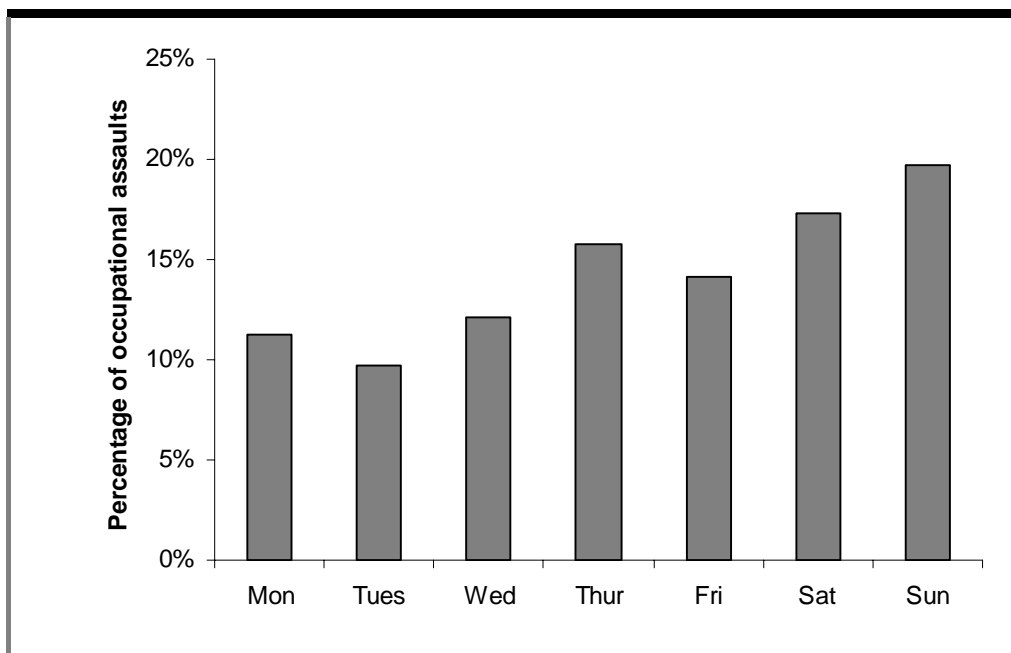
Source: *Adapted from data provided by Monash University Accident Research Centre 2010.*

⁸⁴¹ In this context, 'other' refers to a doctor.

⁸⁴² Note that other nurses may also be included within the 'unspecified hospital staff' category.

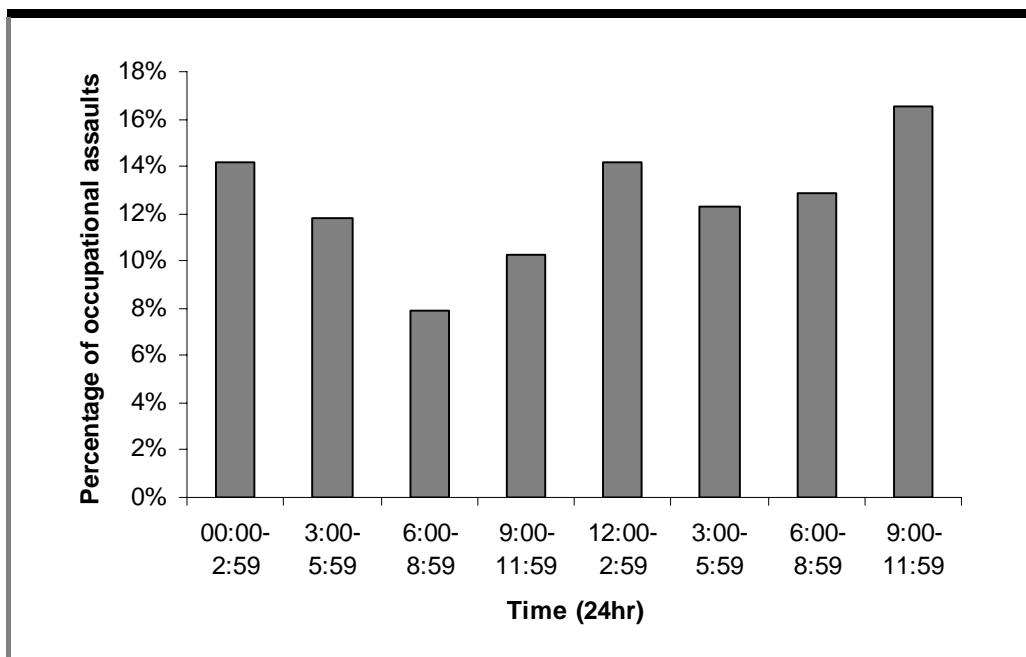
⁸⁴³ Note that other hotel/nightclub staff may also be included within the 'unspecified trade and service staff' category.

Table 7b Day of presentations of assault victims to Victorian emergency departments July 2005–June 2008 where victim was engaged in paid work at the time of assault (n=381)



Source: Adapted from data provided by Monash University Accident Research Centre 2010.

Table 7c Time of presentations of assault victims to Victorian emergency departments July 2005–June 2008 where victim was engaged in paid work at the time of assault (n=381)



Source: Adapted from data provided by Monash University Accident Research Centre 2010.

Appendix 8: Ratings of policy-relevant strategies and interventions to address alcohol-related harm, including violence

Ratings of policy-relevant strategies and interventions

Strategy or Intervention	Effectiveness	Breadth of research support	Cross-national testing	Comments
Pricing and Taxation				
				Generally evaluated in terms of how price changes affect population-level alcohol consumption, alcohol-related problems and beverage preferences.
Alcohol taxes	+++	+++	+++	Increased taxes reduce alcohol consumption and harm. Effectiveness depends on government oversight and control of the total alcohol supply.
Minimum price	?	+	0	Logic based on price theory, but there is very little evidence of effectiveness. Competition regulations and trade policies may restrict implementation unless achieved via taxation policy.
Bans on price discounts and promotion	?	+	0	Only weak studies in general populations of the effect of restrictions on consumption or harm; effectiveness depends on availability of alternative forms of cheap alcohol.
Differential price by beverage	+	+	+	Higher prices for distilled spirits shifts consumption to lower-alcohol content beverages resulting in less overall consumption. Evidence for the impact of tax breaks on low-alcohol products is suggestive.
Special or additional taxation on alcopops and youth-oriented beverages	+	+	+	Evidence that higher prices reduce consumption of alcopops by young drinkers without complete substitution; no studies of impact on harms.
Regulating physical availability				
				Generally evaluated in terms of how changes in availability affect population-level alcohol consumption and alcohol-related problems.
Ban on sales	+++	+++	++	Can reduce consumption and harm substantially, but often with adverse side-effects from black market, which is expensive to suppress. Ineffective without enforcement.
Bans on drinking in public places	?	+	+	Affects young or marginalised high-risk drinkers; may displace harm without necessarily reducing it.
Minimum legal purchase age	+++	+++	++	Effective in reducing traffic fatalities and other harms with minimal enforcement but enforcement substantially increases effectiveness and cost.
Rationing	++	++	++	Effects greater on heavy drinkers.

Government monopoly of retail sales	++	+++	++	Effective way to limit alcohol consumption and harm. Public health and public order goals by government monopolies increase beneficial effects.
Hours and days of sale restrictions	++	++	+++	Effective where changes in trading hours meaningfully reduce alcohol availability or where problems such as late-night violence are specifically related to hours of sale.
Restrictions on density of outlets	++	+++	++	Evidence for both consumption and problems. Changes to outlet numbers affect availability most in areas with low prior availability, but bunching of outlets into high-density entertainment districts may cause problems with public order and violence.
Different availability by alcohol strength	++	++	++	Mostly tested in terms of different strengths of beer and for broadened availability of wine.
Modifying the drinking environment				Generally evaluated in terms of how staff training, enforcement, and legal liability affect alcohol-related violence and other harms.
Staff training and house policies relating to responsible beverage service (RBS)	0/+	+++	++	Not all studies have found a significant effect of RBS training and house policies; needs to be backed by enforcement for sustained effects.
Staff and management training to better manage aggression	++	+	++	Evidence currently limited to one randomised controlled study and supportive results from multi-component programs. Evidence is available from Australia, Canada, and Sweden.
Enhanced enforcement of on-premises laws and legal requirements	++	++	++	Sustained effects depend on making enhanced enforcement part of ongoing police practices.
Server liability	++	++	+	Effect stronger where efforts made to publicise liability. Research limited to USA and Canada.
Voluntary codes of bar practice	0	+	+	Ineffective when strictly voluntary but may contribute to effects as part of community action projects.
Late-night lockouts of licensed premises	?	+	0	Limited research, and no studies have identified effective approaches.
Drink-driving countermeasures				Most research has focused on intervention effects on traffic accidents and recidivism after criminal sanctions.
Sobriety check points	++	+++	+++	Effects of police campaigns typically short-term. Effectiveness as a deterrent is proportional to frequency of implementation and high visibility.
Random breath testing	+++	++	++	Effectiveness depends on number of drivers directly affected and the extent of consistent and high profile enforcement.

Lowered BAC limits	+++	+++	+++	The lower the BAC limit, the more effective the policy. Very low BAC levels ('zero tolerance') are effective for youth, and can be effective for adult drivers, but BAC limits <0.02 are difficult to enforce.
Administrative licence suspension	++	++	++	When punishment is swift, effectiveness is increased. Effective in countries where it is applied consistently.
Low BAC for young drivers ('zero tolerance')	+++	++	++	Clear evidence of effectiveness for those below the legal drinking or alcohol purchase age.
Graduated licensing for novice drivers	++	++	++	Can be used to incorporate lower BAC limits and licensing restrictions within one strategy. Some studies note that 'zero tolerance' provisions are responsible for this effect.
Designated drivers and ride services	0	+	+	May be effective in getting impaired drinkers not to drive, but can also encourage passengers to drink more. Does not affect alcohol-related crashes.
Severity of punishment	0/+	++	++	Mixed evidence concerning mandatory or tougher sanctions for drink-driving convictions. Effects decay over time unless accompanied by renewed enforcement or media publicity.
Restrictions on Marketing				Draws on two separate literatures: effects of advertising and promotion on youth drinking and attitudes, and effects of initiating or removing advertising bans and other interventions.
Legal restrictions on exposure	+ / ++	+++	++	Strong evidence of dose-response effect of exposure on young people's drinking, but evidence of small or insignificant effects on per-capita consumption from partial advertising bans; advertising bans or restrictions may shift marketing activities into less-regulated media (e.g. internet).
Legal restrictions on content	?	0	0	Evidence that advertising content affects consumption but no evidence of the impact of content restrictions as embodied in industry self-regulation codes.
Alcohol industry's voluntary self-regulation codes	0	++	++	Industry voluntary self-regulation codes of practice are ineffective in limiting exposure of young persons to alcohol marketing, nor do they prevent objectionable content from being aired.
Education and persuasion				Impact generally evaluated in terms of knowledge and attitudes; effect on onset of drinking and drinking problems is equivocal or minimal. Target population is young drinkers unless otherwise noted.
Classroom education	0	+++	++	May increase knowledge and change attitudes but has no long-term effect on drinking.

College student normative education and multi-component programs	+	+	0	Individualised multi-component approaches that include feedback on norms, expectancies, motives, or decisional balance have short-term effects on consumption and problems. Programs usually targeted heavy drinkers and thus may overlap with brief interventions targeted at high risk drinkers. Purely informational approaches may increase knowledge and change attitudes, but have no effect on drinking.
Brief interventions with high-risk students	+	+	0	Brief motivational interventions can impact drinking behaviour.
Mass media campaigns, including drink-driving campaigns	0	+++	++	No evidence of impact of messages to the drinker about limiting drinking; some evidence of increased effectiveness of random breath testing when media publicise it.
Warning labels and signs	0	+	0	Raise public awareness, but do not change drinking behaviour.
Social marketing	0	++	0	Raises public awareness but alcohol-specific campaigns do not change behaviour.
Treatment and early intervention				Usually evaluated in terms of days or months of abstinence, reduced intensity and volume of drinking, and improvements in health and life functioning. Target population is harmful and dependent drinkers, unless otherwise noted.
Brief intervention with at-risk drinkers	+++	+++	+++	Can be effective but most primary care practitioners lack training and time to conduct screening and brief interventions.
Mutual help/self-help attendance	++	++	++	A feasible, cost-effective complement or alternative to formal treatment in many countries.
Mandatory treatment of drink-driving repeat offenders	+	++	0	Punitive and coercive approaches have time-limited effects, and sometimes distract attention from more effective interventions.
Medical and social detoxification	+++	++	++	Safe and effective for treating withdrawal symptoms. Reduces alcohol-related harms through prevention of mortality. Little effect on long-term alcohol consumption unless combined with other therapies.
Talk therapies	++	+++	++	A variety of theoretically based therapies to treat persons with alcohol dependence in outpatient and residential settings. Population reach is low because most countries have limited treatment facilities.
Pharmaceutical therapies	+	++	++	Consistent evidence for a modest improvement over talk therapies and clinical management only for naltrexone.

Source: Babor et al 2010, pp.243–248.

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